

**IN THE HIGH COURT OF SOUTH AFRICA  
FREE STATE HIGH COURT, BLOEMFONTEIN**

In the matter between

**LERATO RADEBE**

**LEHLOHONOLO RADEBE**

**SELLOANE MOTLOUNG**

**EQUAL EDUCATION**

and

**PRINCIPAL OF LESEDING TECHNICAL SCHOOL**

**CHAIRPERSON OF THE SCHOOL GOVERNING  
BODY, LESEDING TECHNICAL SCHOOL**

**DISTRICT DIRECTOR, LIJWELEPUTSWA DISTRICT**

**HEAD OF DEPARTMENT, BASIC EDUCATION,  
FREE STATE**

**MEC FOR EDUCATION: FREE STATE**

**MINISTER OF BASIC EDUCATION**

Case No:

1821/2013

**First Applicant**

**Second Applicant**

**Third Applicant**

**Fourth Applicant**

**First Respondent**

**Second Respondent**

**Third Respondent**

**Fourth Respondent**

**Fifth Respondent**

**Sixth Respondent**

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**NOTICE OF MOTION**

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**PLEASE TAKE NOTICE** that the application will be made on Friday 17 May 2013  
at 09h30 or so soon thereafter as Counsel may be heard, for an Order:

1. Dispensing with the forms, service and time limits prescribed in the Rules of Court and granting leave for this application to be heard as a matter of urgency;
2. Declaring the First and Second Respondents' conduct in banishing the First Applicant ('the learner') from her classroom during school hours to constitute a suspension and to be unlawful and discriminatory;
3. Declaring the failure of the Third to Sixth Respondents to intervene to remedy this course of conduct to be unlawful and discriminatory;
4. Declaring that the First and Second Respondent's requirement that the learner may only attend school if she cuts off her dreadlocks discriminates unfairly against her on the basis of her religion and ethnicity;
5. Declaring that the Respondents' conduct towards the First Applicant violates her constitutional rights to, amongst others, equality, dignity, education, and the freedoms of religion, belief, opinion, expression, association, and culture.
6. Interdicting and restraining the First and Second Respondents from preventing the First Applicant from participating fully as a Grade 8 learner at their school, and from harassing, disadvantaging, victimising her or discriminating against her in any way;

7. Ordering the First and Second Respondents to allow the learner to participate fully as a grade 8 learner at their school, with immediate effect;
8. Ordering First to Third Respondents to meet with the learner and the Second and Third Applicants (her parents) within five school days of the date of the Order, to assess what learning she has missed since January 2013, and to agree on a suitable program of extra tuition to enable her to catch up;
9. Ordering the First, Second and Third Respondents to ensure that a majority of the officials and employees under their direction participate wholeheartedly in an education and relationship building workshop to be provided by the Human Rights Commission within one month of the date of this Order;
10. Ordering the First and Second Respondents to explain their error in banishing the learner from her classroom, and their improved understanding of the religious and cultural rights of learners, to a full assembly of the learners and educators of the Leseding Technical High School within one month of the date of this Order;
11. Ordering those Respondents who oppose this application to pay the costs hereof;  
and
12. Further and/or alternative relief.

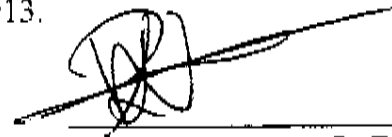
**TAKE NOTICE FURTHER THAT** if any of the Respondents intend to oppose this application for urgent relief they may file a notice of intention to oppose, together with any answering affidavits, by close of business on Wednesday 15 May 2013, whereupon the Applicants shall be entitled to file a reply.

**TAKE NOTICE FURTHER** that the Applicants have appointed the Equal Education Law Centre as their legal representatives. They will accept notice and service of all process in these proceedings at the Legal Aid Office, 2<sup>nd</sup> floor St Andrews Building, 113 St Andrews Street, Bloemfontein and via email to [lisad@eelawcentre.org.za](mailto:lisad@eelawcentre.org.za).

**TAKE NOTICE FURTHER THAT** the annexed affidavits of **LERATO RADEBE, LEHLOHONOLO RADEBE, SELLOANE MOTLOUNG** and **BRAD BROCKMAN** will be used in support of this application.

**KINDLY PLACE THE MATTER ON THE ROLL**

Signed at Bloemfontein on this 10<sup>th</sup> day of May 2013.



**L. DRAGA**  
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