

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, PRETORIA**

**Case No: 22588/2020**

In the matter between:

<b>Equal Education</b>	<b>First Applicant</b>
<b>School Governing Body of Vhulaudzi Secondary School</b>	<b>Second Applicant</b>
<b>School Governing Body of Mashao High School</b>	<b>Third Applicant</b>

and

<b>Minister of Basic Education</b>	<b>First Respondent</b>
<b>MEC of Education, Eastern Cape</b>	<b>Second Respondent</b>
<b>MEC of Education, Free State</b>	<b>Third Respondent</b>
<b>MEC of Education, Gauteng</b>	<b>Fourth Respondent</b>
<b>MEC of Education, KwaZulu-Natal</b>	<b>Fifth Respondent</b>
<b>MEC of Education, Limpopo</b>	<b>Sixth Respondent</b>
<b>MEC of Education, Mpumalanga</b>	<b>Seventh Respondent</b>
<b>MEC of Education, Northern Cape</b>	<b>Eighth Respondent</b>
<b>MEC of Education, North West</b>	<b>Ninth Respondent</b>
<b>MEC of Education, Western Cape</b>	<b>Tenth Respondent</b>

---

**FILING NOTICE**

---

- |           |                          |   |
|-----------|--------------------------|---|
| <b>1.</b> | <b>Date on the roll:</b> | <b>Not available</b>                      |
| <b>2.</b> | <b>Document filed:</b>   | <b>Affidavit for Fourth Respondent</b>    |
| <b>3.</b> | <b>Filed by:</b>         | <b>Office of State Attorney: Pretoria</b> |

Signed and dated at Pretoria this 3<sup>rd</sup> day of August 2020.



---

**Ms P Khosa**  
**Attorney for Respondent**  
Office of State Attorney: Pretoria  
Ground Floor, SALU Building  
No 316 Thabo Sehume Street  
PRETORIA  
Tel: 012 309 1629/1523  
Cell: 067 906 1154/076 951 9352  
Fax: 086 4673 908  
E-mail: PrKhosa@justice.gov.za

**To:           The Registrar of the High Court**  
**Gauteng Division**  
**PRETORIA**

**And to:       Attorneys for Applicants**  
**Section 27**  
First Floor, South Point Corner  
87 De Korte Street  
Braamfontein  
JOHANNESBURG  
Tel: 011 356 4100  
E-mail: [stevenson@section27.org.za](mailto:stevenson@section27.org.za)

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, PRETORIA**

**Case No: 22588/2020**

In the matter between:

**Equal Education  
School Governing Body of Vhulaudzi Secondary School  
School Governing Body of Mashao High School**

**First Applicant  
Second Applicant  
Third Applicant**

and

**Minister of Basic Education  
MEC of Education, Eastern Cape  
MEC of Education, Free State  
MEC of Education, Gauteng  
MEC of Education, KwaZulu-Natal  
MEC of Education, Limpopo  
MEC of Education, Mpumalanga  
MEC of Education, Northern Cape  
MEC of Education, North West  
MEC of Education, Western Cape**

**First Respondent  
Second Respondent  
Third Respondent  
Fourth Respondent  
Fifth Respondent  
Sixth Respondent  
Seventh Respondent  
Eighth Respondent  
Ninth Respondent  
Tenth Respondent**

---

**AFFIDAVIT**

---

I, the undersigned

**LEHLOHONOLO MAGQOKI**

do hereby declare under oath as follows:

1. I am a major male, appointed as the Director for School Nutrition for the Gauteng Department of Education, with the address of my office and that of the Department situated at No 6 Hollard Street, Talis Building, Johannesburg.
2. The contents of this affidavit fall within my personal knowledge, unless the context indicates otherwise, and are to the best of my belief and knowledge both



true and correct. I am duly authorised by the MEC of Education, Gauteng State to depose to this affidavit and, by virtue of my office, I qualify as a witness.

3. The purpose of this affidavit is to comply with the order of the Honourable Court made on 17 July 2020 in paragraph 103.11 of the judgment delivered on the same date, namely, that the MEC must within 10 days file this affidavit this Court under oath, and provide a copy to the applicants, on the plan and programme which the MEC will implement without delay so as to comply with the duties of the MEC, and which address the following matters:
  - 3.1 in respect of each school under the jurisdiction of the MEC, when all of the qualifying learners will receive a daily meal under the NSNP, whether they are attending school or studying away from school as a result of the Covid-19 pandemic;
  - 3.2 what steps the MEC has have taken to achieve that;
  - 3.3 what further steps the MEC will take to implement that plan and programme; and
  - 3.4 when they will take each such step.
4. Schools were instructed by the Department to feed all learners who benefit from the NSNP from 22 June 2020.



The handwritten signature is in black ink and appears to be the initials 'H.C.' followed by a surname that is partially obscured but seems to end in 'T.M.'.

5. The Gauteng Provincial Education Department (*"the Department"*) is currently feeding over 1,5 million learners in the system through the National School Nutrition Grant and Equitable Share (received under the Division of Annual Revenue Act).
- 5.1 With the return of Grade 7 and 12 since 8 June 2020, the NSNP was able to feed 183 000 learners. The NSNP was extended to those learners who are not back at school yet from 22 June 2020. Feeding is provided at school in a staggered approach during different times.
- 5.2 Learners who are not yet back at school have been asked to bring their own containers from home. The voluntary food handlers dish-up food for learners and then the learners take the food home, or eat at the school premises and then go home
6. Arrangements have been made with the Learner Transport Unit to transport those learners that use learner transport to go to school, to their respective schools to fetch meals . This arrangement has been implemented with effect from 1 July 2020.

  
Deponent: L. Magqoki

I certify that the Deponent acknowledged that he knows and understands the contents of this affidavit, that he has no objection to the making of the prescribed oath and that he considers this oath to be binding on his conscience. I also certify that this affidavit

was signed in my presence at Johannesburg on this 03 day of August 2020 and that the Regulations contained in Government Notice R1258 of 21 July 1972, as amended by Government Notice R1648 of 19 August 1977, have been complied with.



COMMISSIONER OF OATHS

FULL NAMES:

STREET ADDRESS:

CAPACITY:

AREA:

TOKOLOHO MASECHABA KATASHAYA  
COMMISSIONER OF OATHS  
EX - OFFICIO PRACTICE ATTORNEY  
58 MARSHALL STR  
MARSHALLTOWN, JHB 2001