

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

CASE NO: 22588/2020

In the matter between:

EQUAL EDUCATION **First Applicant**

**THE SCHOOL, GOVERNING BODY OF
VHULAUDZI SECONDARY SCHOOL** **Second Applicant**

**THE SCHOOL GOVERNING BODY OF
MASHAO HIGH SCHOOL** **Third Applicant**

and

MINISTER OF BASIC EDUCATION **First respondent**

MEC OF EDUCATION, EASTERN CAPE **Second Respondent**

MEC OF EDUCATION, FREE STATE **Third Respondent**

MEC OF EDUCATION, GAUTENG **Fourth Respondent**

MEC OF EDUCATION, KWAZULE – NATAL **Fifth Respondent**

MEC OF EDUCATION, LIMPOPO **Sixth Respondent**

MEC OF EDUCATION, MPUMALANGA **Seventh Respondent**

MEC OF EDUCATION, NORTHERN CAPE **Eighth Respondent**

MEC OF EDUCATION, NORTH WEST **Ninth Respondent**

MEC OF EDUCATION, WESTERN CAPE **Tenth Respondent**

FILING NOTICE

1. **Date on the Roll: Not Available**
2. **Document filed: Reporting Affidavit for first Respondent**
3. **Filed by: Office of the State Attorney: Pretoria**

DATED and SIGNED at PRETORIA on this 31st AUGUST 2020.



**ATTORNEY FOR RESPONDENTS
STATE ATTORNEY PRETORIA
SALU BUILDING
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cnr FRANCIS BAARD AND
THABO SEHUME STREET
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Ref: 1955 /2020/Z78
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Enq: Mrs P Khosa**

**TO: THE REGISTRAR OF THE HIGH COURT
GAUTENG DIVISION, PRETORIA**

**AND
TO: SECTION 27
ATTORNEYS FOR APPLICANTS
First Floor, South Point Corner
87 De Korte Street
940 JAN SHOBA STREET
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REF: Sasha Stevenson

EQUAL EDUCATION FOR LAW CENTRE
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Cape Town
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REF: Chandre Stuurman

RECEIVED COPY:

TIME:

DATE:

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

Case No: 22588/2020

In the matter between:

EQUAL EDUCATION	1st Applicant
THE SCHOOL GOVERNING BODY OF VHULAUDZI SECONDARY SCHOOL	2nd Applicant
THE SCHOOL GOVERNING BODY OF MASHAO HIGH SCHOOL	3rd Applicant

and

MINISTER OF BASIC EDUCATION	1st Respondent
MEC EDUCATION, EASTERN CAPE	2nd Respondent
MEC EDUCATION, FREE STATE	3rd Respondent
MEC EDUCATION, GAUTENG	4th Respondent
MEC EDUCATION, KWAZULU-NATAL	5th Respondent
MEC EDUCATION, LIMPOPO	6th Respondent
MEC EDUCATION, MPUMALANGA	7th Respondent
MEC EDUCATION, NORTHERN CAPE	8th Respondent
MEC EDUCATION, NORTH WEST	9th Respondent
MEC EDUCATION, WESTERN CAPE	10th Respondent
CHILDREN'S INSTITUTE	<i>Amicus curiae</i>

**AFFIDAVIT BY THE DEPARTMENT OF BASIC EDUCATION IN TERMS
OF PARAGRAPH 103.10 OF THE ORDER OF COURT**

H-M
y

I, the undersigned,

HUBERT MATHANZIMA MWELI

hereby declare under oath as follows:

1

1.1 I am a major male, the Director-General of the Department of Basic Education.

1.2 My office is situated at Sol Plaatjie House, 222 Struben Street, Pretoria, Gauteng.

1.3 The facts deposed in this Affidavit fall within my personal knowledge, unless otherwise indicated, and are true and correct.

2 The purpose of this Affidavit is to comply with the provisions of paragraph 103.10 of the Judgment of the above Honourable Court dated 17 July 2020.

3 In respect of the steps taken to have given effect to this Order, I also refer the above Honourable Court to the previous Affidavits already filed.

H.M. Mveli

4 In the Report, referred to below, reference is made of a letter by the Applicants' attorney, dated 18 August 2020. A copy of the letter is annexed hereto as annexure "HM1".

5 In compliance with the Court Order a report that has been prepared, and which report is annexed hereunto as annexure "HM2". The contents of the Report, and its annexures marked "A" to "E" are incorporated into this Affidavit through reference.



DEPONENT

SIGNED and sworn to before me at PRETORIA on the 31 day of AUGUST 2020, the deponent having acknowledged that he/she knows and understands the contents of this affidavit and all the provisions of Act 16 of 1963 and the Regulations promulgated in terms thereof concerning the taking of the oath having been complied with in my presence and within the area for which I have been appointed as Commissioner of Oaths.



COMMISSIONER OF OATHS

Capacity: Legal Researcher and Drafter

Full names: Gerrit Jan Wissing

Physical address:

Ex Officio Commissioner of Oath
 by Virtue of Office as Official of
 Legal Services of the National
 Department of Health
 242 Civitas Building
 Cnr Thabo Sehume and Bloed street
 Pretoria



 Authorised Signatory
 Date: 31 August 2020

HM2, JW

CONFIRMATORY AFFIDAVIT

I, the undersigned

ANGELINA MATSIE MOTSHEKGA

do hereby declare under oath as follows:

1. I am a major female and a Cabinet Minister in the National Executive, appointed as the Minister of Basic Education and responsible for the Department of Basic Education (*"the Department"*), with the address of my office and that of the Department situated at No 222 Struben Street, Pretoria, Gauteng Province. The contents of this confirmatory 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.
2. I have read the affidavit to be filed in terms of paragraph 103.10 of the order of court dated 17 July 2020, of the Director-General of the Department, Hubert Mathanzima Mveli, and I am conversant with the contents thereof. I incorporate the contents thereof into my affidavit.



Deponent: AM Motshekga



I certify that the Deponent acknowledged that she knows and understands the contents of this affidavit, that she has no objection to the making of the prescribed oath and that she considers this oath to be binding on her conscience. I also certify that this affidavit was signed in my presence at PRETORIA on this 31 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: Gerrit-Jan Wissing

STREET ADDRESS:

CAPACITY: Legal Researcher and Drafter

AREA:

Ex Officio Commissioner of Oath
by Virtue of Office as Official of
Legal Services of the National
Department of Health
242 Civitas Building
Cnr Thabo Sehume and Bloed street
Pretoria


.....
Authorised Signatory

Date: 31 AUGUST 2020