



CONSTITUTIONAL COURT OF SOUTH AFRICA

Case CCT 71/16

In the matter between:

BAAITSE ELIZABETH NKABINDE

First Applicant

CHRISTOPHER NYAOLE JAFTA

Second Applicant

and

JUDICIAL SERVICE COMMISSION

First Respondent

PRESIDENT OF THE JUDICIAL CONDUCT TRIBUNAL

Second Respondent

**MINISTER OF JUSTICE AND
CONSTITUTIONAL DEVELOPMENT**

Third Respondent

XOLISILE KHANYILE N.O.

Fourth Respondent

ORDER DATED 16 MAY 2016

CORAM: Mogoeng CJ, Moseneke DCJ, Bosielo AJ, Cameron J, Froneman J, Khampepe J, Madlanga J, Mhlantla J and Zondo J.

The Constitutional Court has considered this application for leave to appeal. In the light of the principle regulating the position where a court is incapacitated because of conflicts disabling its members from sitting to determine the merits of the application, as set out in *Hlophe v Premier of the Western Cape Province, Hlophe v Freedom Under Law and Other* 2012 (6) SA 13 (CC), the Court has decided that the application must be dismissed.

Order:

1. The application for leave to appeal is dismissed.

**MS VISAGIE
SENIOR REGISTRAR'S CLERK
CONSTITUTIONAL COURT**

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