

## COURT ONLINE COVER PAGE

IN THE HIGH COURT OF SOUTH AFRICA  
Gauteng Division, Pretoria

CASE NO: 2022-020190

In the matter between:

**School Governing Body, Ndzalama  
Primary School, School Governing Body,  
Dingamanzi Primary School, School  
Governing Body, Chameti Secondary  
School, School Governing Body, Bvuma  
Primary School**

Plaintiff / Applicant / Appellant

and

**Government of the Republic of South  
Africa, Minister of Basic  
Education, Member of the Executive  
Council, Limpopo Department of  
Education, Head of Department,  
Limpopo Department of  
Education, Minister of Finance, Director-  
General of National Treasury**

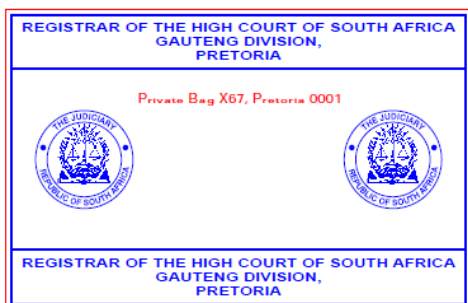
Defendant / Respondent

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### Notice (Other)

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**NOTE:** This document was filed electronically by the Registrar on 4/10/2022 at 10:42:49 AM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



ELECTRONICALLY SIGNED BY:

**Registrar of High Court of South  
Africa , Gauteng Division, Pretoria**



IN THE NORTH GAUTENG HIGH COURT PRETORIA  
(REPUBLIC OF SOUTH AFRICA)

CASE NO: 2022/020190

In the matter between:

SCHOOL GOVERNING BODY OF  
NDZALAMA PRIMARY SCHOOL

1<sup>st</sup> APPLICANT

SCHOOL GOVERNING BODY,  
DINGAMANZI PRIMARY SCHOOL

2<sup>nd</sup> APPLICANT



SCHOOL GOVERNING BODY,  
CHAMETI SECONDARY SCHOOL

3<sup>rd</sup> APPLICANT

SCHOOL GOVERNING BODY  
BVUMA PRIMARY SCHOOL

4<sup>th</sup> APPLICANT



and

THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA

1<sup>st</sup> RESPONDENT

MINISTER OF BASIC EDUCATION

2<sup>nd</sup> RESPONDENT

MEMBER OF THE EXECUTIVE COUNCIL,  
LIMPOPO DEPARTMENT OF EDUCATION

3<sup>rd</sup> RESPONDENT

HEAD OF DEPARTMENT,  
LIMPOPO DEPARTMENT OF EDUCATION

4<sup>th</sup> RESPONDENT

MINISTER OF FINANCE

5<sup>th</sup> RESPONDENT

DIRECTOR-GENERAL OF NATIONAL TREASURY

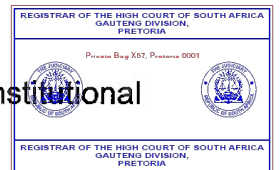
6<sup>th</sup> RESPONDENT

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**APPLICANT'S NOTICE IN TERMS OF RULE 16A**

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**KINDLY TAKE NOTICE THAT** the applicant has raised the following constitutional issues in this application:



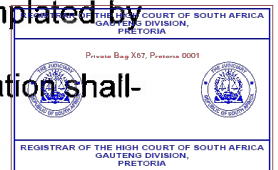
Whether the failures of the Second and Third Respondent to provide the First to Fourth Applicant schools with safe and adequate infrastructure violate the rights of learners at the First to Fourth Applicant schools to dignity, equality and basic education; and

Whether the decision of the Second and/or Third Respondent, taken on unknown date and conveyed on 1 September 2020, to suspend the building, repair and renovation of the First to Fourth Applicant schools is unlawful, unconstitutional and a violation of the rights to dignity, equality and basic education of the learners at the Applicant schools, and should, to the extent necessary, be reviewed and set aside.

**TAKE NOTICE FURTHER** that any interested party may, with the written consent of all the parties to the proceedings, given not later than 20 days after this notice has been filed, be admitted as *amicus curiae* upon such terms and conditions as may be agreed upon in writing by the parties.

**TAKE NOTICE FURTHER** that any such written consent shall, within five days of it having been obtained, be lodged with the Registrar and the *amicus curiae* shall, in addition to any relevant provision of the Uniform Rules of Court, comply with the times agreed upon by the parties for the lodging of affidavits and/or written argument.

**TAKE NOTICE FURTHER** that if any interested party is unable to obtain the parties' written consent as contemplated herein, they may, within five days of the expiry of the 20-day period referred to above, apply to this Court in the manner contemplated by rule 16A(6) to be admitted as *amicus curiae* in the proceedings. Such application shall-



- (a) Briefly describe the interest of the prospective *amicus curiae* in the proceedings;
- (b) Clearly and succinctly set out the submissions which will be advanced by the prospective *amicus curiae*, the relevance thereof to the proceedings and his or her reasons for believing that the submissions will assist the court and are different from those of the other parties; and
- (c) Be served on all the parties to the proceedings.

**TAKE FURTHER NOTICE THAT** any party to the proceedings who wishes to oppose an application to be admitted as *amicus curiae* shall file an answering affidavit within five days of the service of such application upon such party. The answering affidavit shall clearly and succinctly set out the grounds of such opposition.

SIGNED and DATED at JOHANNESBURG on this 2nd day of September 2022.



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**SECTION27**

**APPLICANT'S ATTORNEYS**

First Floor

South Point Corner Building

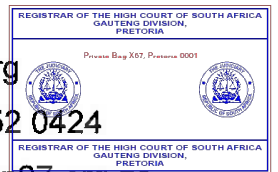
87 De Korte Street

Braamfontein, Johannesburg

Tel: (011) 356 4100/ 078 852 0424

Email: [petherbridge@section27.org.za](mailto:petherbridge@section27.org.za)

Ref: D Petherbridge



**C/O**

**Centre for Child Law**

Faculty of Law

Law Building (Room 4-31)

University of Pretoria

Pretoria

0002

Tel: 012 420 4502

Email: [stanley.malematja@up.ac.za](mailto:stanley.malematja@up.ac.za)

**TO:**

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

**AND TO:**

**THE STATE ATTORNEY, PRETORIA  
ATTORNEYS FOR THE FIRST, SECOND, THIRD, FOURTH, FIFTH AND SIXTH  
RESPONDENTS**

SALU Building  
316 Thabo Sehume Street,  
Corner Francis Baard and Thabo Sehume Streets  
Pretoria Central,  
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