

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

CASE NUMBER:

In the matter between:

SECTION27

First Applicant

HANYANI THOMO SECONDARY SCHOOL

Second Applicant

TONDANI LYDIA MASIPHEPHETHU

Third Applicant

and

MINISTER OF BASIC EDUCATION

First Respondent

MEMBER OF THE EXECUTIVE COUNCIL:

LIMPOPO DEPARTMENT OF EDUCATION

Second Respondent

NOTICE OF MOTION

BE PLEASED TO TAKE NOTICE that the Applicants intend to make an urgent application to the above Honourable Court on Monday 14 May 2012 at 10h00, or so soon thereafter as counsel may be heard, for an order in the following terms:

1. Dispensing with the forms and service provided for in the Uniform Rules of Court and directing that the application be heard on an urgent basis in terms of Uniform Rule of Court 6(12)(a);
2. Declaring that the failure by the Limpopo Department of Education (“the Department”) and the Department of Basic Education (“the DBE”) to provide textbooks to schools in Limpopo is a violation of the rights to a basic education, equality, dignity and the South African Schools Act 84 of 1996 and section 195 of the Constitution;
3. Directing the Department, alternatively the DBE, to provide textbooks for Grades R, 1, 2, 3 and 10 on an urgent basis, and by no later than 31 May 2012 to Hanyani Thomo Secondary School, Lutandale Primary School and all other schools in Limpopo which have not yet received their textbooks;
4. Directing the Department, alternatively the DBE, to immediately develop a “catch-up” plan for at least the affected Grade 10 learners in Limpopo. Such a plan should provide for additional classes either after school hours during the week or on Saturdays until the lost curriculum is covered;
5. Directing the Department, alternatively the DBE, to lodge a copy of this “catch-up” plan with this Honourable Court and the Applicants within one week of the date of the order;

6. Granting leave to the Applicants to approach the above Honourable Court on the same papers, supplemented as the circumstances may require, for further relief;
7. Ordering those Respondents that oppose this application to pay the costs of this application jointly and severally, such costs to include the employment of two counsel;
8. Granting the Applicants further and/or alternative relief.

BE PLEASED TO TAKE NOTICE FURTHER that the founding affidavit of **NIKKI STEIN**, together with the supporting documents and supporting and confirmatory affidavits annexed thereto, will be used in support of this application.

BE PLEASED TO TAKE NOTICE FURTHER that the Applicants have appointed the Centre for Applied Legal Studies, at the address set out hereunder, as the address at which they will accept notice and service of all process in these proceedings.

BE PLEASED TO TAKE NOTICE FURTHER that if you intend to oppose this application you are required to deliver your answering affidavits by no later than 8 May 2012.

BE PLEASED TO TAKE NOTICE THAT FURTHER that the Applicants will file their replying affidavits, if any, by no later than 10 May 2012.

