



CASE NO: 24565/2012

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

PRETORIA 04 OCTOBER 2012

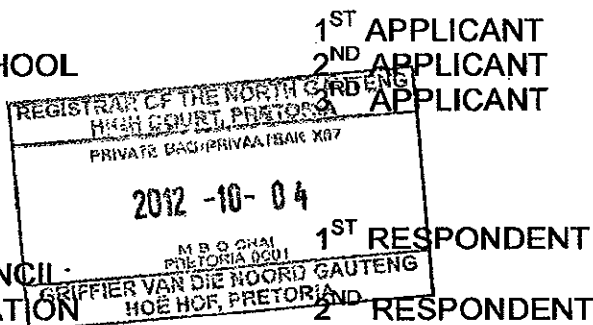
BEFORE THE HONOURABLE MR JUSTICE KOLLAPEN

In the matter between:

SECTION 27  
HANYANI THOMO SECONDARY SCHOOL  
TONDANI LYDIA MASIPHEPHETHU

AND

MINISTER OF BASIC EDUCATION  
MEMBER OF THE EXECUTIVE COUNCIL -  
LIMPOPO DEPARTMENT OF EDUCATION



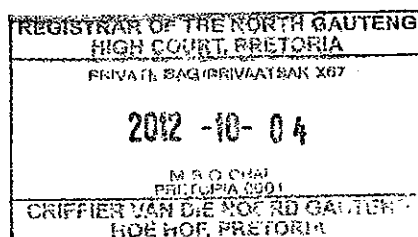
HAVING HEARD counsel(s) for the party(ies) and having read the documents filed of record

**IT IS ORDERED**

1. It is declared that the Respondent's have failed to comply with the orders of this Court of the 17<sup>th</sup> May 2012 and 05<sup>th</sup> July 2012 in the following respects:
  - 1.1 By failing to deliver all textbooks to Grades 1, 2, 3 and 10 to learners in Limpopo by the 27<sup>th</sup> of June 2012.
  - 1.2 By failing to devise a catch-up plan in accordance with the orders of this Court of the 17<sup>th</sup> May 2012 and 05<sup>th</sup> July 2012.
2. In making the declaration referred to in paragraph 1 above, the Court notes the justification for non-compliance offered by the Respondents but makes no finding with regard to it given that these are not contempt proceedings.
3. The Respondents are ordered to complete all outstanding delivery of textbooks for 2012 to schools for Grades 1, 2, 3 and 10 by 12<sup>th</sup> October 2012.
4. The Respondents are ordered to file an affidavit at Court and on the Applicant's attorneys by no later than the 17<sup>th</sup> October 2012 with regard to the steps taken by it to comply with the order in paragraph 3 above.

5. The Respondents will by no later than the 31<sup>st</sup> October 2012 serve and file an affidavit addressing the following:
  - 5.1 The process and outcomes of the October 2012 Spring Camp.
  - 5.2 The Curriculum that was covered during the October 2012 Spring Camp.
  - 5.3 Identify the gaps and deficiencies of the October 2012 Spring Camp and how these will be addressed in the remainder of the 2012 school year.
  - 5.4 Detail the ongoing support and Catch-up that will be provided to the current Grade 10 learners throughout 2013, including timeframes and additional tuition, if necessary.
  - 5.5 Set out the monitoring mechanism that will be in place to monitor the implementation of the 2013 remedial support programme, if necessary.
6. The Respondents will deliver all textbooks to schools for Grade 4, 5, 6 and 11 for the 2013 school year by 15<sup>th</sup> December 2012.
7. The Respondents will serve and file at Court an affidavit regarding the state of delivery of textbooks for 2013 on 31 October 2012 and 15 December 2012. To the extent that there remain textbooks to be delivered by 15 December 2012, the Respondents will inform the Court as to the steps that will be taken to ensure delivery of the remaining textbooks before the schools commence in January 2013.
8. Leave is granted to the Applicants to approach this Court on the same papers, supplemented as the circumstances may require, for further relief.
9. The Respondents are ordered to pay 50% (fifty percent) of the taxed costs of this application on the opposed scale and such costs to include the costs of two Counsel, it being recorded that these costs are in relation to and in respect of prayers 1, 2, and 3 of the Notice of Motion.
10. The other costs, in particular those in relation to the relief sought in prayers 4, 5, 6 and 7 are reserved for future determination if need be.

BY THE COURT



REGISTRAR  
PM

Att: