

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

Case No: 22588/2020

In the matter between:

Equal Education	First Applicant
School Governing Body of Vhulaudzi Secondary School	Second Applicant
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, KwaZulu-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: | Affidavit for Ninth Respondent |
| 3. Filed by: | Office of State Attorney: Pretoria |

Signed and dated at Pretoria this 4th day of August 2020.



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And to: Attorneys for Applicants
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School Governing Body of Vhulaudzi Secondary School
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**First Applicant
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MEC of Education, KwaZulu-Natal
MEC of Education, Limpopo
MEC of Education, Mpumalanga
MEC of Education, Northern Cape
MEC of Education, North West
MEC of Education, Western Cape**

**First Respondent
Second Respondent
Third Respondent
Fourth Respondent
Fifth Respondent
Sixth Respondent
Seventh Respondent
Eighth Respondent
Ninth Respondent
Tenth Respondent**

AFFIDAVIT

I, the undersigned

JOHANNES NKHONO MOHLALA

do hereby declare under oath as follows:

- 1. I am a major male, appointed as an Administrator for the North West Department of Education, in terms of section 100(1)(b) of the Constitution, with the address of my office and that of the Department situated at floor number 2, Garona Building, Mmabatho.**
- 2. The contents of this affidavit fall within my personal knowledge, unless the**

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context indicates otherwise, and are to the best of my belief and knowledge both true and correct.

3. The purpose of this affidavit is to comply with the order of the Honourable Court made on 17 July 2020 in paragraph 103.11 of the judgment delivered on the same date, namely, that the MEC must within 10 days file this affidavit this Court under oath, and provide a copy to the applicants, on the plan and programme which the MEC will implement without delay so as to comply with the duties of the MEC, and which address the following matters:

- 3.1 In respect of each school under the jurisdiction of the MEC, when all of the qualifying learners will receive a daily meal under the NSNP, whether they are attending school or studying away from school as a result of the Covid-19 pandemic;

- 3.2 what steps the MEC has have taken to achieve that;

- 3.3 what further steps the MEC will take to implement that plan and programme; and

- 3.4 when they will take each such step.

4. The Provincial Department has adopted an option where learners could come to school on different times to be served or collect cooked meals and then leave



the school premises.

- 4.1** The Provincial Department communicated with schools to start feeding those learners not yet phased-in from 22 June 2020. For these purposes all of the funds required for July 2020 has been processed on Tuesday, 23 June 2020.
 - 4.2** Schools implemented staggered feeding times to allow a flow of learners and to avoid causing disruptions during teaching. For this purpose, schools implemented a daily attendance register and NSNP officials played a monitoring or supportive role.
- 5.** During the school break, the Provincial Department plans the following:
- 5.1** The Provincial Department will transfer further funds to school for the purpose of procuring meals, cooking fuel and the payment of a stipendium for the volunteers.
 - 5.2** All learners, staff and volunteers will observe Covid-19 protocols.
 - 5.3** The menu calculators will be updated to provide for the appropriate quantities and the appropriate nutritional combinations.
 - 5.4** Schools will be allowed to come up with flexible feeding times in order to



deal with the requirement of social distancing.

- 5.5** The School Management Teams will be instructed to ensure that all qualifying learners receive their meals.
- 5.6** Daily attendance registers will be mandatory in order to keep supervision and control, with districts to monitor and support the schools.
- 6.** With regard to monitoring and reporting, schools will be required to submit feeding reports on a daily basis, which will be received by the districts to be processed and then to be provided to the Provincial Department. The Provincial Department will collate this information and report thereon to the National Department of Basic Education. If this monitoring reveals that there is an area or district that needs intervention, this will be dealt with immediately.
- 7.** Both the MEC as well as the Provincial Department have made public statements to inform the school community and the general public that the NSNP will continue to operate during the school break. Reports already received from four districts confirmed that the implementation of the NSNP by the schools in those districts are in fact continuing.



Deponent: JN Mohlala

I certify that the Deponent acknowledged that he knows and understands the contents of this affidavit, that he has no objection to the making of the prescribed oath and that

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he considers this oath to be binding on his conscience. I also certify that this affidavit was signed in my presence at Pretoria on this 12 day of August 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: Modikelle Andries Seletika

STREET ADDRESS:

CAPACITY: Senior Legal Admin Officer

AREA:

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PRETORIA 0002
COMMISSIONER OF OATHS
EX OFFICIO
REPUBLIC OF SOUTH AFRICA