

Annexure "A"

1 CITATION AND DESCRIPTION OF CAUSE OF ACTION FOR ALL CIVIL CASES THAT HAVE BEEN LODGED:

(I) IN THE 2012-2013 FINANCIAL YEAR AND (II) DURING THE PERIOD 1 APRIL 2013 UP TO THE LATEST SPECIFIED DATE FOR WHICH INFORMATION IS AVAILABLE IN WHICH:

(AA) SHE AND/OR (BB) THE DIRECTOR-GENERAL OF HER DEPARTMENT HAVE BEEN CITED AS RESPONDENTS

2 MATTERS OPPOSED, SETTLED AND AMOUNT INCURRED IN LEGAL COSTS BY THE MINISTRY IN EACH CASE.

NO.	MATTER	CASE NO.	CAUSE OF ACTION	LEGAL COSTS	COMMENTS	STATUS
CASES REGISTERED IN 2012						
1	FRANCA LINGUA VS. THE MINISTER OF BASIC EDUCATION		The plaintiff alleges that the Department owes it an amount of R13 430 361 for the printing of textbooks.	R11 286	The Department is defending the matter and Counsel has been appointed.	Ongoing.
2	SECTION 27 VS. ADMINISTRATOR OF THE LIMPOPO EDUCATION DEPARTMENT AND MINISTER OF BASIC EDUCATION		The applicants applied for various orders – amongst others, that the failure to supply textbooks to public schools in Limpopo constitutes a breach of learners' right to basic education.	Account not yet received from State Attorney	The matter was heard in court, and it was ruled that textbooks must be delivered in Limpopo by 15 June 2012 and that a catch-up plan for Grade 10 must be implemented.	Finalized.
3	NEW GENERATION PUBLISHERS VS. MINISTER OF BASIC EDUCATION		The applicant, a publishing company, brought an application to court in two parts. In Part A, an order was sought for an interim interdict to stop the Department from releasing reports to publishers regarding Grade 11 Accounting (English) and that the books for Grade 11 Accounting (English) not be included in the National Catalogue, pending the finalisation of the case. In Part B, the applicant sought an order that the decision of the LTSM screening committee to disqualify their book be reviewed and set aside.	R793 895 Cost in this matter awarded in favour of the Department. State Attorney to recover cost.	The Application was dismissed with cost.	Finalized

NO.	MATTER	CASE NO.	CAUSE OF ACTION	LEGAL COSTS	COMMENTS	STATUS
4	EQUAL EDUCATION VS. MINISTER OF BASIC EDUCATION		<p>The applicant brought an application in two parts. In Part A, an order was requested that emergency relief be provided to two rural storm-damaged public schools situated in the Eastern Cape. These schools had been considerably damaged by a storm in and during 2011. The Eastern Cape Education Department (ECED) had failed to provide the necessary relief – hence the application. This part of the case will be settled out of court, as the ECED has indicated that the necessary measures and steps will be taken to provide relief to these two schools. A settlement agreement on Part A has been drafted and was circulated to the applicants' attorneys.</p> <p>In Part B of the application, the Applicants requested an order that the Minister be directed to promulgate regulations on norms and standards for school infrastructure in terms of section 5A of the South African Schools Act. This part of the application is being defended.</p>	R214 662	<p>A settlement agreement was entered into in respect of Part A on the basis that the ECED will provide emergency relief to the two schools</p> <p>Part B of the application was initially defended. The parties reached an out of court settlement on the basis that the Department will publish Regulations on norms and standards.</p>	Finalized
5	PTYTRADE T/A EDUSOLUTIONS VS. MINISTER OF BASIC EDUCATION		The applicant brought an urgent application to court for an order that the service level agreement that was concluded with the Limpopo Education Department (LED) on 18 October 2010 be implemented with immediate effect and that the LED be interdicted from procuring learning and teaching support material from any other party than the applicant.	R284 800.05 Cost to be recovered by the State Attorney	The matter was heard at court on the 22 June 2012 and the court ruled in favour of the Department.	Finalised.
6	CENTRE FOR CHILD LAW AND 5 OTHERS VS. THE MINISTER OF BASIC EDUCATION AND 3 OTHERS		The applicants seek, inter alia, the following relief: Implementation of 2012 educator establishment of the Eastern Cape Education Department (ECED) declared by the MEC in that province, in terms of section 5(1)(b) of the Employment of Educators Act 76 of 1998 (EEA); directing the respondents to implement	R100 071.48	The parties reached an out of court settlement on most of the issues. Only one aspect was argued in court. The court ruled against the department on this	Finalized.

NO.	MATTER	CASE NO.	CAUSE OF ACTION	LEGAL COSTS	COMMENTS	STATUS
			2012 provincial post establishment, by appointing educators to all vacant substantive posts within three (3) months of the date of the order; directing Minister and/or HoD to appoint educators on a temporary basis pending the permanent appointment within one (1) month of the date of the order.		aspect.	
7	SAVE OUR SCHOOLS AND COMMUNITY VS. PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA AND 4 OTHERS	.	The applicant applied to court for a declaration that the conduct of the National Executive constitutes a breach of its obligations, and that it has not given effect to the decision to assume responsibility for the obligations of the Eastern Cape Education Department. Also for a declaration that it has not given effect to the MoU between the national and the provincial government and has not put into operation the implementation framework as set out in the MoU.	R117 306-00	Settlement agreement was made an order of court	Settlement has been reached.
8	AFRICAN PUBLISHERS ASSOCIATION VS. MINISTER OF BASIC EDUCATION AND OTHERS		The applicants applied for an order interdicting the respondents from selecting on behalf of the SA public school LTSM as contained in the National catalogue and that the respondents were bound by the aforesaid catalogue.	R87 679	The matter is being opposed. Counsel has been appointed to draft opposing affidavit.	Ongoing.
9	NEW GENERATION PUBLISHERS V MINISTER OF BASIC EDUCATION		The Applicants a publishing company brought an application that the decision of the Department of Basic Education to disqualify its History text book, on the basis that it was submitted after the cut off date for re-submission of conditionally qualified textbooks, is set aside.	R161 150	This matter is being defended. The Department filed opposing papers. The Applicant has not filed any reply to opposing papers.	Ongoing

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10	FEDSAS V MINISTER OF BASIC EDUCATION		The Applicants brought an application requesting the court to set aside the Regulations in terms of section 38A of the SASA.	Account not yet received from State Attorney	This matter was settled out of court . The Regulations was withdrawn on the basis that further consultation will be sought and that the Act be strengthened to include some of the issues contained in the Regulations.	Finalised
11	SECTION 27 V MINISTER OF BASIC EDUCATION		The Applicants in this matter brought a fresh application requesting amongst others the court to declare that there was non-compliance with the first court order; that the court direct the Department to deliver books for 2012 to all, public schools; that the court direct the department to conduct an independent verification of the delivery of textbooks to schools in Limpopo; that the court order the Department to compile a catch up plan for foundation phase learners in Limpopo; that the catch up plan for learners in grade 10 be extended to 2013; that the department be directed to deliver textbooks for 2013 to public schools in Limpopo by the 9 January 2013; that the Department pay the cost of the application	R350 741.08	The parties agreed on the following: That delivery of all outstanding textbooks for 2012 be completed by the 12 October 2012, the Department will file an affidavit at court by the 17 October confirming this; The Department will file an affidavit by the 31 October to court as to the outcome of the spring catch up classes; that textbooks for 2013 be delivered by the 15 December 2012, a progress report will be filed at court on the 31 October and again on the 15 December. The parties could not	Finalized

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					reached agreement on the issue of non – compliance ;Independent verification of delivery of textbooks and cost; The case was argued on the 2 October2012.The Application was dismissed on two of the issues raised in matter.	
12	PALESA FAITH MANYOKOLA&EQUAL EDUCATIONV MEC EDUCATION EC AND OTHERS		This Application was brought to repair poor infrastructure at the school/The Minister was cited as a interested party	No legal Cost	The Department is not defending the matter. The Eastern Cape education Department agreed to repair damage at school	Finalised
13	MP SANGA V MINISTER OF BASIC EDUCATION		The Applicant applied for an order that the Department provide him with his Matric Certificate	No Legal Costs	The Department provided certificate. Matter did not go to court.	Finalised

NO.	MATTER	CASE NO.	CAUSE OF ACTION	LEGAL COSTS	COMMENTS	STATUS
14	SADTU AND OTHERS V MINISTER OF BASIC EDUCATION AND OTHERS		The Applicants in this matter applied for an order setting aside the 2013 post establishment of the Eastern Cape education Department	R131 232.05 State Attorney to recover the Department's Cost	Application of SADTU dismissed with cost	Finalised
15	KHARITHOME TRAINING AND CONSULTING CC VS. MAKGETSE HIGH SCHOOL AND FOUR OTHERS		The plaintiff instituted the action in relation to a contract that he had entered into with the defendants. The Minister was cited as the third defendant. The plaintiff alleges that the defendants unlawfully terminated his contract and, as a result, he claimed R360 000.	No legal costs	The Minister was wrongly cited in this matter. The Minister is not liable in terms of section 60(3) of the SASA. The Plaintiff attorney was requested by the state attorney to withdraw against the Minister.	Finalised
16	MARTHINUS BEKKER V MINISTER OF BASIC EDUCATION		This is an application for information to compel the Respondents to provide documentation showing the payments made in favour of the liquated estate. Minister was wrongly cited in the case. An amended notice of motion was filed removing the Minister as Respondent. No cost order was sought against the Department	No Legal Costs	Case was withdrawn against Minister	Finalised

NO.	MATTER	CASE NO.	CAUSE OF ACTION	LEGAL COSTS	COMMENTS	STATUS
17	BEAUVALLON SECONDARY AND OTHERS V MEC EDUCATION AND OTHERS		This is an application to set aside the decision of the MEC to close nineteen schools in the Western Cape-The minister was cited as an interested party	R11 970-00	The Department is not defending the case, except on narrow issue of the constitutional attack of section 33 of the South African Schools act, 1996. The court ruled in favour of the Department on the issue of the constitutionality of section 33 of SASA	Finalised

CASES REGISTERED IN 2013

18	GOVERNING BODY OF HOERSKOOL FOCHVILLE AND ANOTHER MEC FOR EDUCATION GAUTENG		This is an application to set aside the decision of the MEC to admit English learners to an Afrikaans school. The Minister was joined as a Respondent	No cost to date	The Department did not oppose the joinder application.	Ongoing
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NO.	MATTER	CASE NO.	CAUSE OF ACTION	LEGAL COSTS	COMMENTS	STATUS
19	MAKOFANE V MINISTER OF BASIC EDUCATION		The plaintiff in this matter claim payment of the amount of R 145641 for arrear salary for three months	No legal Cost to date	The Department defended the matter since the applicant was paid for the period he worked for, and the last portion of R29000-00 for the last 15 days has been settled , since it was not economical for the Department to pursue the matter.	Finalised
19	EDWARD JAMES PETERSON V DEPARTMENT OF BASIC EDUCATION		The Plaintiff in this matter claim payment of the amount of R20 000 for arrear payments.	No legal cost	The issue of prescription was raised. The Defendant withdrew the matter.	Finalised
	MAGNA FS VS. MINISTER OF BASIC EDUCATION	67543/2012	The Plaintiff is claiming the total amount of R6 567 010. 50 for services delivered.	R21 318-00	The Department is defending this matter and the plea has already filed. The hearing is set down for the 12 August 2014.	Ongoing

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20	BULAMBO BIAKOMBOKA V MINISTER OF HOME AFFAIRS		This is an application to set aside the decision of Home Affairs not to issue dependents of a foreigner with a temporary asylum seekers permit. The child could as a result not be admitted at school. The Minister is the fifth Respondent in this matter	No legal Costs	The Department is not opposing this application	Ongoing
21.	MOHLAHLUDI : MOOPA MOSES & 31 OTHERS VS MEC FOR EDUCATION: LIMPOPO PROVINCE AND MINISTER OF BASIC EDUCATION	1049/2013	The Applicants lodged an application at Court, in terms of which they be paid rural allowance continuously on a monthly basis, that each applicant be paid outstanding rural allowance of R18 200-00; and the declaration that the Minister of Education (sic) in terms of section 4(30 of the Employment of Educators Act had made a determination that applicants are legible for and be paid rural allowance in concurrence with the Minister of Finance.	No legal costs incurred.	The Limpopo Education Department filed an opposing affidavit. The Minister did not oppose the matter.	Ongoing
22.	THE SCHOOL GOVERNING BODY OF TSHINAVHE SECONDARY SCHOOL VS MINISTER , ACTING DIRECTOR GENERAL AND 5 OTHERS	18775/13	Section 27 acting on behalf of the school Governing Body of Tshinavhe, brought an application, among others, declaring that the failure on the part of the DBE and Limpopo Education Department to ensure delivery of food to Tshinavhe Secondary School constitutes a breach of the rights of learners to basic education; and applied for an order directing them to ensure such delivery.	No legal costs incurred.	The Parties settled the matter out of court and the Settlement The Applicant removed the matter form the court roll.	Finalised.
23.	Madzodzo and other v Minister of Basic Education and Others		The Applicants in this matter applied for an order compelling the MEC and Minister to provide school furniture to the Applicant schools.		The matter was argued on the 13 February 2014-judgment was delivered in favour of Applicant.	Ongoing
24.	MICHELLE SAFER VS		The Applicant applied for an order to review	Account not yet received from	The Department is not	Ongoing

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	HOD, WESTERN CAPE EDUCATION DEPARTMENT AND OTHERS		and set aside the decision of the HoD, in an appeal in terms of section 40(2) of the act, to the effect that she did not qualify for a partial exemption from the 2013 school fees levied by the school. The Applicant need the court to declare that , her and her husband are jointly, rather than jointly and severally liable for the payment of school fees in respect of their minor daughter, and in the alternative, to declare regulation 6(2) to be inconsistent with the Constitution and invalid.	State Attorney	opposing the main application but only the narrow issue of the Constitutionality of regulation 6 of the Regulations on the Exemption of School Fees.	
25.	EVELYN WILHEMINA PEASE PROGRESSIVE PRINCIPALS ASSOCIATION VS GOVERNMENT OF SA, MINISTER OF BASIC EDUCATION AND 12 OTHERS	18904/13	The applicant brought an application to court that the Government of the Republic of south Africa is not meeting the obligations imposed on it by section 2(1) (a) of the Constitution, as read with section 1,2,6(2), 7(2), 9, 10, 12(2), 195(1) and 237 of the Constitution. According to the Applicant, the Respondents has consistently failed to equip the majority of learners in South African Public schools with sufficient literacy and numeracy skills, failed to ensure that delivery of textbooks and teaching materials takes place timeously in all public schools, failed to take reasonable steps to equip all teachers in public schools with adequate skills and suitable training...etc.	Account not yet received from State Attorney.	The matter is being defended	Ongoing
26.	NCEBO WELLINGTON HOYI VS GENERAL PUBLIC SECTORAL BARAGAINING COUNCIL AND TWO OTHERS		The Applicant brought a review application to the Labour Court, to review, set aside and substitute the arbitration award issued by the second respondent (commissioner), alternatively referring the matter back to the First Respondent (GPSSBC) for re-adjudication before a commissioner other than the Second Respondent.	Account not yet received from State Attorney.	The Department is opposing this matter.	Ongoing
			CASES REGISTERED IN 2014			
27.	ZAMISA PATRICK SHISINGA AND PRO	75891/13	The Applicant who is acting on behalf of the minor child, a grade 9 pupil at Pro Ate Alpen	No legal costs	The Minister has been wrongly cited by virtue	Ongoing

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	ALPHEN PARK SCHOOL, DIRECTOR - GENERAL OF THE DEPARTMENT EDUCATION- NOTICE OF MOTION		Park is applying for a court order, directing the school to make available the regulations which regulates the grade 9 pupil's final mark examination. Also directing the Director-General to interfere with the re-checking of Mathematics and English First Language subjects, in respect of the under listed pupils and others. He further directs the school to make available all marked question papers for grade 9 pupils to be remarked by the expert nominated by the Director-General, inclusive of all whites counterparts.		of section 60 of the South African Schools Act. The Department asked the applicant to withdraw the matter against the Minister and cite the correct party.	
28.	MAKAZIWE MAQHELANA OBO PARENTS OF LEARNERS AT SAMSON SENIOR PRIMARY, CENTER FOR CHILD LAW AND THREE OTHERS VS. MEC EC , MINISTER OF BASIC	007/2014	The Applicants applied for an order directing the Department of Basic Education to publish an updated and complete ASIDI list on the DBE and the Eastern Cape Education Department (ECED)'s websites accompanied by a comprehensive plan setting out what every school on the list is scheduled to receive in terms of infrastructure improvements..., circulate the list to district offices...etc.	Account not yet received from State Attorney.	The DBE and the ECED are opposing this matter and Counsel has been appointed to act on behalf of both.	Ongoing
29.	VALAZONE 278 CC AND 6 OTHERS VS. MINISTER OF EDUCATION AND OTHERS: CASE NO: 3285/14	3285/14	It is an application for an order, ordering the Premier of Mpumalanga Provincial; Government to furnish the applicants with formal written notifications of the outcome of their respective bids and the reasons for their disqualification.	No legal costs.	The Minister did not oppose this matter and the matter was heard in court on the 4 February 2014 and an interim order was handed down by the court that the province (Mpumalanga) must furnish the applicants with formal written notifications of the outcome of their respective bids. No order against the Minister.	Finalised
30.	DHLAMINI P / MINISTER OF BASIC EDUCATION AND OTHERS	76316/13	This is an application to review, correct and set aside the decision and proceedings pursuant to which the school took a decision not to grant	No legal costs	The matter is for Limpopo Education Department. The office	Finalised

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			Applicant automatic exemption (total exemption from paying school fees) for an orphan child Zanele Dlamini. No relief is sought against the Minister.		of State Attorney was instructed to file a Notice to abide on behalf of the Minister.	
31.	WISANI MALTJIE//MINISTER OF BASIC EDUCATION AND TWO OTHERS		The plaintiff is claiming damages against the Department of Basic Education in the amount of R100 000-00, as a result of the death of the Plaintiff's child, after the school toilet which the deceased child was using at the time collapsed on her.	No legal costs	It is the Mpumalanga matter and the Minister of Basic education has been wrongly cited.	