

IN THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

CASE NO:

(Western Cape Division, Cape Town Case No. 18775/2013)

In the matter between:

**HEAD OF DEPARTMENT, WESTERN CAPE
EDUCATION DEPARTMENT**

First Appellant

**MEMBER OF THE EXECUTIVE COUNCIL
FOR EDUCATION IN THE
WESTERN CAPE PROVINCIAL GOVERNMENT**

Second Appellant

MINISTER OF BASIC EDUCATION

Third Appellant

And

MICHELLE SAFFER

Respondent

NOTICE OF APPEAL

TAKE NOTICE that the First, Second and Third Appellants ("the Appellants") hereby note an appeal to this Honourable Court against paragraphs 2 and 4 of the orders of the Honourable Mr. Justice L E Le Grange, handed down in the Western Cape Division of the High Court Cape Town on 15 September 2016, in

case number 18775/2013, and the parts of the judgment supporting those paragraphs.

TAKE NOTICE FURTHER THAT leave to appeal to this Court was granted on 2 November 2016 as appears from the certified copy of the Order of Court of that date annexed hereto.

TAKE NOTICE FURTHER THAT in the appeal the Appellants seek as order in the following terms:

1. The appeal succeeds.
2. Paragraph 4 of the Order of the Court *a quo* is set aside and replaced with an order in the following terms: "*The First and Fourth Respondents are to pay the Applicant's costs of preparing the part of her founding papers relating to the application for judicial review of the decision referred to in paragraph 1 of this Order*".
3. There is no order as to costs.

Dated at **CAPE TOWN** on this 7th day of **NOVEMBER 2016**.

STATE ATTORNEY



Per: A MUGJENKAR

Attorney for the Appellants

5th Floor

22 Long Street

CAPE TOWN

Ref: 4359/13/P3

Email:

amugjenkar@justice.gov.za

Care of:

STATE ATTORNEY

11th Floor

49 Charlotte Maxeke Street

BLOEMFONTEIN

Ref: A Seale/ R Hechter

Email: aseale@justice.gov.za

To: **THE REGISTRAR**
Supreme Court of Appeal
BLOEMFONTEIN

And to:
THE REGISTRAR
Western Cape Division of the High Court
CAPE TOWN
Western Cape Province

And to:

EQUAL EDUCATION LAW CENTRE

Respondent's Attorney

6 Spin Street

CAPE TOWN

Ref: SAFF/cns/SD Dass

Email: chandre@eelacentre.org.za

And to:

TRUSTEES OF THE WOMEN'S LEGAL CENTRE TRUST

Amicus Curiae in the Court *a quo*

Seventh Floor

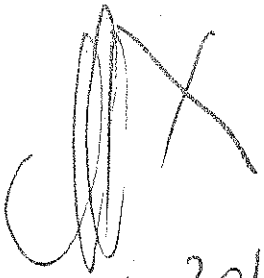
124 Adderley Street

CAPE TOWN

Ref: H Fayker

Email: hoodah@wlce.co.za

**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)**


2-11-2016

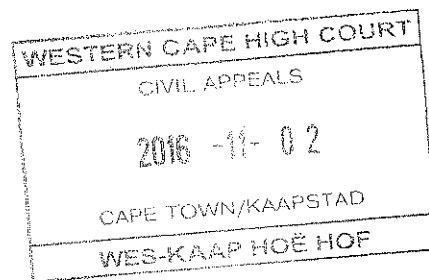
CASE NO: 18775/2013

**BEFORE THE HONOURABLE MR JUSTICE LE GRANGE,
IN CHAMBERS**

CAPE TOWN: Wednesday 2 November 2016

In the matter between:

MICHELLE SAFFER



Applicant

and

HEAD OF DEPARTMENT, WESTERN CAPE

EDUCATION DEPARTMENT

First Respondent

THE SCHOOL GOVERNING BODY, FISH HOEK

HIGH SCHOOL

Second Respondent

FISH HOEK HIGH SCHOOL

Third Respondent

MEMBER OF THE EXECUTIVE COUNCIL

FOR EDUCATION IN THE

WESTERN CAPE PROVINCIAL GOVERNMENT

Fourth Respondent

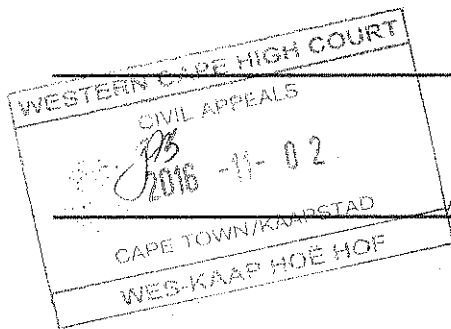
MINISTER OF BASIC EDUCATION

Fifth Respondent

MATTHEW GRAY

Sixth Respondent

TRUSTEES OF THE WOMEN'S LEGAL CENTRE TRUST *Amicus Curiae*



DRAFT ORDER

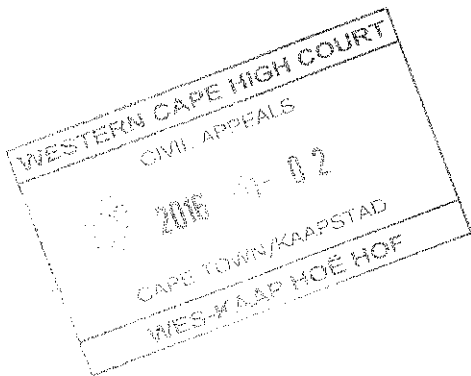
HAVING READ THE APPLICATION FOR LEAVE TO APPEAL BY THE FIRST, FOURTH AND FIFTH RESPONDENTS AND THE APPLICATION FOR LEAVE TO CROSS-APPEAL BY THE APPLICANT, AND HAVING CONCLUDED THAT BOTH APPLICATIONS HAVE REASONABLE PROSPECTS OF SUCCESS AND THE ISSUES RAISED INCLUDE LEGAL ISSUES WHICH MERIT THE ATTENTION OF THE SUPREME COURT OF APPEAL, IT IS HEREBY ORDERED THAT:

1. the First, Fourth and Fifth Respondents (“**the Respondents**”) are granted leave to appeal to the Supreme Court of Appeal against paragraphs 2 and 4 of the order of this Court dated 15 September 2016 in case number 18775/13 and the parts of the judgment of this Court supporting those paragraphs, on the grounds set out in their application for leave to appeal;
2. the Applicant is granted leave to cross-appeal to the Supreme Court of Appeal against paragraph 3 of the order of this Court dated 15 September 2016 in case number 18775/13 and the parts of the judgment of this Court

supporting that paragraph, on the grounds set out in her application for leave to cross-appeal; and

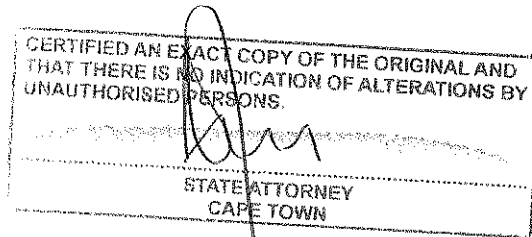
3. the costs of the aforesaid applications for leave to appeal and cross-appeal will be costs in the appeal and cross-appeal.

BY ORDER OF THE COURT



A handwritten signature in black ink, appearing to read "J. Boops", written over a horizontal line.

COURT ~~XXX~~ REGISTRAR



7 - NOV 2016

Equal Education Law Centre
6 Spin Street, CAPE TOWN

/ec