

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG

CASE NO: 26023/15

(1)	<u>REPORTABLE: YES / NO</u>
(2)	<u>OF INTEREST TO OTHER JUDGES: YES/NO</u>
(3)	<u>REVISED.</u>
	29/04/2015
	DATE
	SIGNATURE

In the matter between:

ECONOMIC FREEDOM FIGHTERS

First Applicant

**ECONOMIC FREEDOM FIGHTERS STUDENT
COMMAND**

Second Applicant

AYABULELA MHLAHO

Third Applicant

KOKETSO POHO

Fourth Applicant

TEBOGO MABESO

Fifth Applicant

VUYANI PAMBO

Sixth Applicant

MBEKEZELI MBHELE

Seventh Applicant

LWAZI LUSHABA

Eighth Applicant

and

**THE UNIVERSITY OF THE WITWATERSRAND
JOHANNESBURG**

Respondent

ORDER

MAKUME, J:

Having heard counsel for the parties I have deemed it prudent and in the interest of justice to grant the following orders. My reasons for these orders will follow in due course.

1. URGENCY

It was argued by counsel for the Respondent that the matter should not be treated as urgent because the Applicants were notified about their suspension from University activities on the 21st August 2015 and should not have waited until Tuesday the 25th August 2015 before launching these proceedings. I remain unpersuaded by that argument. What makes this matter urgent is the fact that Third to Eighth Applicants are being excluded from all activities inclusive of their right to participate in education activities separate from their participation as members of the Second Applicant. This in my view is a serious violation of a right enshrined in the Bill of Rights namely the right to education.

2. Having found that the matter is urgent I have carefully considered all the submissions taking into consideration the reality that the SRC

election are already under way and a number of students may already have cast their vote and that the Second Applicant's candidates namely Third, Fourth and Fifth Applicants may be prejudiced if they enter the race for election at this late stage under the prevailing circumstances. I accordingly issue the following order:

- 2.1 The process of electing members of the Student Representative Committee for the year 2015/2016 shall continue as planned.
- 2.2 The decision taken by the Executive Committee of the University Council which was implemented by the Vice Chancellor to suspend the Applicants as students of the University is hereby set aside.
- 2.3 The Respondent is hereby ordered to allow the Applicants access to their allocated University residences including lecture rooms, library, sport facilities as well as laboratory and dining halls.
- 2.4 The Respondent is hereby directed to within 10 days facilitate and convene disciplinary enquiries against the Applicants to determine if they may have made themselves guilty of any contravention of the University Code of Conduct. The notices shall be served five clear days prior to the date of hearing.

3. I make no order as to costs.

DATED at JOHANNESBURG on this the 27th day of AUGUST 2015.



M A MAKUME
JUDGE OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG