



5 MAY 2020

BASIC EDUCATION DEPARTMENT WELCOMES LIMPOPO HIGH COURT JUDGEMENT AFTER JUDGE DISMISSED TEBEILA INSTITUTE APPLICATION

The Department of Basic Education welcomes the judgment by the Limpopo High Court which dismissed an application by the Tebeila Institute of Leadership, Governance and Training.

The Institute went to court on an urgent basis to set aside the decision of the Minister to re-open schools on 1 June 2020 thereby trying to stop the Department from implementing the recovery plan for schools in the context of COVID-19.

Judge Gerrit Muller dismissed the case this afternoon saying that Limpopo High Court had no jurisdiction over the matter. He ordered parties to cover their own costs. Judge Muller agreed with the Department that the competent court would have been the Gauteng Division of the Court in Pretoria because that is where the offices of the Minister and the Department are located, not Polokwane in Limpopo.

On the substance of the matter the Department argued that the contemplated reopening of schools had been developed together with provinces, other government departments, all stakeholders and civil society through a consultative process over a number of weeks. The announcement of the Minister proposed tentative dates only. A final date for schools to re-open will be informed by the readiness of schools to re-open.

In the answering affidavit the Director-General Mathanzima Mweli said that Minister Angie Motshekga did not come up with the draft Recovery Plan overnight but it was being developed with rational, considered and responsible input from stakeholders as well as interested and affected parties.

Furthermore that a decision to re-open school will only be finally determined after the National Coronavirus Command Centre has approved the school recovery plans and is satisfied with the risk assessment completed. Furthermore the Department of Health's approval to re-open schools will also be required.

The Department would now proceed with its plans as outlined by Minister Motshekga last week Thursday when she addressed a media briefing.

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ISSUED BY THE DEPARTMENT OF BASIC EDUCATION