

**IN THE HIGH COURT OF SOUTH AFRICA
EASTERN CAPE HIGH COURT, MTHATHA**

CASE NO: 2144/2012

In the matter between:

M. MADZODZO obo PARENTS OF LEARNERS AT MPIMBO JUNIOR SECONDARY SCHOOL	1st Applicant
S. MGCANYANA obo PARENTS OF LEARNERS AT MBANANGA JUNIOR SEC. SCHOOL	2nd Applicant
P. VUKAPHI obo PARENTS OF LEARNERS AT SIRHUDLWINI JUNIOR SEC. SCHOOL	3rd Applicant
CENTRE FOR CHILD LAW	4th Applicant
And	
MINISTER OF BASIC EDUCATION	1st Respondent
GOVERNMENT OF THE REPUBLIC OF S.A.	2nd Respondent
MEC FOR EDUCATION: EASTERN CAPE	3rd Respondent
GOVERNMENT OF THE EASTERN CAPE PROVINCE	4th Respondent
ACTING SUPERINTENDANT GENERAL OF THE EASTERN CAPE DEPARTMENT OF EDUCATION	5th Respondent

MTHATHA 29 November 2012
Before the **Honourable Mr Justice Griffiths**
Mr Mafunda, for the Applicants
Mrs Dlanjwa, for the Respondents

In terms of section 100 (1)(b) of the Constitution and in terms of the court order granted by the Eastern Cape High Court on 20 March 2012, the 1st Respondent, together with the 2nd Respondents through fifth Respondents, are ordered to:

1. Ensure that on or before 16 January 2013 the schools named hereunder shall receive adequate, age and grade appropriate furniture which will enable each child at the schools to have his or her own separate reading and writing space (“school furniture”):
 - 1.1 Mpimbo Junior Secondary School;
 - 1.2 Mbananga Junior Secondary School;
 - 1.3 Sirhudlwini Senior Primary School;
2. Report by way of an affidavit to the Attorneys of the Applicant by 21 January 2013 indicating the extent of their compliance with paragraph 1 above:
 - 2.1 The Affidavit shall state the names of each school and the quantity and type of furniture delivered to each school;
 - 2.2 To the extent that there is a dispute about the furniture delivered to each school, the Applicants are hereby given leave to bring proceedings on an urgent basis for the resolution of any such disputes;
3. Ensure that a comprehensive audit to assess the furniture needs at all public schools in the Eastern Cape is conducted and finalized on or before 28 February 2013;
 - 3.1 The Respondents will furnish a copy of the audit report to the Applicant’s Attorneys before 14 March 2013. The audit report must be combined with a comprehensive plan detailing when each child at the schools listed in the audit report will have his or her own separate reading and writing space delivered;

- 3.2 For the purposes of conducting the audit, the 1st Respondent will ensure:
 - 3.2.1 By 10 December 2012 a "Furniture Task Team" for the Eastern cape will be constituted by the Respondents;
 - 3.2.2 The Publication and communication of a circular to all schools in the Eastern Cape on or before 1 December 2012 informing them of the audit and inviting schools to submit their furniture needs to the department on or before 21 January 2013;
 - 3.2.3 The circular referred to at 3.2.2 will also be included in every Eastern Cape public school's set of documents to be collected by the schools from their respective district offices prior to the 1st day of the 2013 school year;
 - 3.2.4 That each school requesting furniture is visited and that the furniture needs of all schools visited are properly recorded and there is a thorough verification of the furniture needs submitted;
4. Ensure that all schools requiring furniture in terms of the audit referred to at paragraph 3 above, are informed in writing when they will receive furniture and what furniture (including the specific number of desks and chairs) they will receive by 30 April 2013;
5. The Respondents will endeavour to ensure that the furniture needs of all the schools listed in the audit will be met by 30 June 2013;
6. Insofar as the Respondents are unable to ensure the furniture needs of the schools listed in the audit are met by 30 June 2013, the Applicants reserve their right to approach this court on two weeks' notice for an appropriate order with duly supplemented papers;
7. The Respondents will report by way of an affidavit to the Attorneys of the Applicants by 20 July 2013 indicating the extent of their compliance with paragraphs 3, 4 and 5 above;

- 7.1 In addition to detaining compliance with prayers 3, 4 and 5 the affidavit shall state the names of each school and the quantity and type of furniture delivered to each school;
- 7.2 To the extent that there is a dispute about the furniture delivered to each school, the Applicants are hereby given leave to bring proceedings on an urgent basis for the resolution of any such disputes;
8. The Respondents are to pay the costs of this application, including the costs of two counsel, the one paying the other to be absolved.

BY THE COURT

N.A. No

REGISTRAR