

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

CASE NO.: 18904/13

In the matter between :

EVERLYN WILHELMINA PEASE	First Applicant
PROGRESSIVE PRINCIPALS ASSOCIATION	Second Applicant
And	
GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA	First Respondent
MINISTER OF BASIC EDUCATION	Second Respondent
MEC FOR EDUCATION: EASTERN CAPE	Third Respondent
MEC FOR EDUCATION: FREE STATE	Fourth Respondent
MEC FOR EDUCATION: GAUTENG	Fifth Respondent
MEC FOR EDUCATION: KWAZULU-NATAL	Sixth Respondent
MEC FOR EDUCATION: LIMPOPO	Seventh Respondent
MEC FOR EDUCATION: MPUMALANGA	Eighth Respondent
MEC FOR EDUCATION: NORTHERN CAPE	Ninth Respondent
MEC FOR EDUCATION: NORTH WEST	Tenth Respondent
MEC FOR EDUCATION: WESTERN CAPE	Eleventh Respondent
NATIONAL MINISTER OF FINANCE	Twelfth Respondent
NATIONAL MINISTER OF SOCIAL DEVELOPMENT	Thirteenth Respondent
PUBLIC PROTECTOR	Fourteenth Respondent
SOUTH AFRICAN HUMAN RIGHTS COMMISSION	Fifteenth Respondent
AUDITOR-GENERAL	Sixteenth Respondent

---

CONFIRMATORY AFFIDAVIT

---

I, the undersigned,

**RIYAADH NAJAAR**

do hereby make oath and say:

1. I am the Principal of the Spine Road Secondary School in Mitchell's Plain, Cape Town and I am the chairperson of the Second Applicant. I am duly authorised by the Second Applicant to represent it in this matter.
2. The Second Applicant has authorised the First Applicant to depose to the Replying Affidavit on behalf of the Second Applicant, and the Second Applicant confirms the contents of this Replying Affidavit where it refers to the Second Applicant or its members.
3. The Second Applicant has resolved to engage the services of Jonathan Mort Inc, attorneys of Oranjezicht, Cape Town, as its attorneys of record in this matter as appears more fully from the power of attorney, annexed hereto, marked "X 1".
4. The Second Applicant also resolved to authorise me to depose to the supplementary affidavit in January 2014, but due to an oversight that resolution was not filed with the supplementary papers. That resolution will be filed separately. The Second Applicant apologises to the court for any inconvenience this oversight has caused and respectfully ask for it to be condoned. The Respondents have not been prejudiced in any way as the relief being sought by the Second Applicant is identical to that claimed by the First Applicant. In these circumstances I submit it is appropriate to grant condonation.
5. The contents of this affidavit are, save where the context indicates otherwise, within my personal knowledge, and are true.

  
RIYAADH NAJAAR

I certify that:

1. the deponent acknowledged to me that:
  - 1.1 he knows and understands the contents of this declaration;
  - 1.2 he has no objection to taking the prescribed oath;
  - 1.3 he considers the prescribed oath to be binding on his conscience;



- 2. the deponent thereafter uttered the words, I swear that the contents of this declaration are true, so help me God;
- 3. the deponent signed this declaration in my presence at the address set out hereunder on this 14TH day of APRIL 2014.



SIGNATURE/HANDTEKENING: \_\_\_\_\_  
 COMMISSIONER OF OATHS/KOMMISSARIS VAN EDE  
 EX OFFICIO  
**A. S. CHOTHIA**  
 CAPACITY/HOEDANIGHEID:  
 PRINCIPAL / PRINSIPAAL  
 GLENDALE SECONDARY  
 ROCKLANDS, MITCHELL'S PLAIN  
 DATE/DATUM: 14.04.2014



COMMISSIONER OF OATHS

Designation and Area:

Full Names:

Street Address:




THE PROGRESSIVE PRINCIPALS' ASSOCIATION ("the ASSOCIATION")

RESOLUTION IN WRITING OF THE EXECUTIVE OF THE ASSOCIATION

RESOLVED THAT:

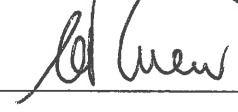
- The authority of **RIYAADH NAJAAR** as Chairperson of the Association to sign a Supplementary Affidavit on behalf of the Association in Case No. 18904/13 in the High Court of South Africa (Western Cape High Court, Cape Town) in which **EW PEASE** and the Association are the Applicants in a matter brought against the Government of the Republic of South Africa, the Minister of Basic Education and Others is hereby confirmed;
- The authority of **RIYAADH NAJAAR** as Chairperson on behalf of the Association to instruct Attorneys Jonathan Mort Inc to represent the Association in the above matter is hereby confirmed; and
- The Association confirms and ratifies all the actions of **RIYAADH NAJAAR** as Chairperson on behalf of the Association thus far in this matter; and
- The Association authorises **RIYAADH NAJAAR** as Chairperson of the Association to take all such actions and to sign all such documents on behalf of the Association in the above matter as he may consider necessary or desirable.

  
\_\_\_\_\_

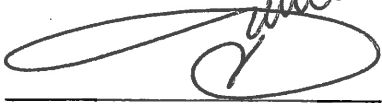
Date: 2014-04-14

  
\_\_\_\_\_

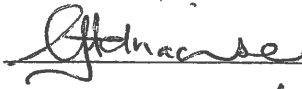
Date: 14.04.14

  
\_\_\_\_\_

Date: 14/04/2014

  
\_\_\_\_\_

Date: 14/04/2014

  
\_\_\_\_\_

Date: 14/04/2014

  
\_\_\_\_\_

Date: 14/04/2014

\_\_\_\_\_  
\_\_\_\_\_

Date:

\_\_\_\_\_

Date:



**POWER OF ATTORNEY**

I, the undersigned **RIYAADH NAJAAR** of Spine Road Secondary School, Mitchell's Plain, Cape Town, duly authorized and on behalf of the Progressive Principals Association ("the Association"), do hereby confirm the power of attorney granted to Jonathan Mort of Jonathan Mort Inc, 3A Sir George Grey Street, Oranjezicht, Western Cape (hereinafter called "the agent"), with power of substitution, to be the lawful agent of the Association by means of this power of attorney to commence proceedings in the High Court (Western Cape Division) and do any or all of the following acts or things:

- 1 To accept service of any legal process, pleadings or documents in the commenced proceedings for and on behalf of the Association.
- 2 To appear and represent the Association or appoint counsel (senior and/or junior) to appear and represent the Association at any court hearing or proceedings and before any judicial officer.
- 3 To prosecute, discontinue, compromise, terminate or abandon such action or proceedings as the agent sees fit.
- 4 To defend any action or proceedings brought against the Association in which it may be joined in any court or tribunal in relation to the proceedings instituted by it (including any counterclaim or claim in reconvention made against it), or to compromise any such action or proceedings or consent to judgment therein if the agent shall see fit, and on the Association's behalf to make any claim in reconvention in such action or proceedings and for such relief as the agent sees fit.
- 5 To note, prosecute, withdraw or abandon any appeal which may be allowed by law against any judgment or order made in the Association's favour in any such action or proceedings and to defend any appeal against any such judgment or order made in the Association favour.
- 6 To sign all documents necessary in connection with any such action or proceedings.
- 7 Generally for effecting the purposes aforesaid, to do and cause to be done whatsoever shall be requisite as fully and effectually for all intents and purposes as I or the Association might or could do if personally present and acting herein.

AND

**Ratification** I hereby ratify and agree to ratify all and whatsoever the agent shall lawfully do or cause to be done by virtue of these presents.

AND

SIGNED at Spine Road High on this 11 April 2014

Witnesses:

1 [Signature]  
 2 [Signature]  
 (Signatures of witnesses)

[Signature]  
 (Signature of principal)