

**IN THE HIGH COURT OF SOUTH AFRICA
(EASTERN CAPE DIVISION – BHISHO)**

CASE NO.214/11

Before the Honourable Justice Ms B Hartle

Date: 14th July 2011

In the matter between:

P J OLIVIER HIGH SCHOOL

BERGSIG SCHOOL

SETTLERS PARK PRIMARY SCHOOL

THE GOVERNING BODY

P J OLIVIER HIGH SCHOOL

THE GOVERNING BODY

BERGSIG SCHOOL

THE GOVERNING BODY

SETTLERS PARK PRIMARY SCHOOL

FIRST APPLICANT

SECOND APPLICANT

THIRD APPLICANT

FOURTH APPLICANT

FIFTH APPLICANT

SIXTH APPLICANT

AND

THE MEMBER OF THE EXECUTIVE COUNCIL

DEPARTMENT OF BASIC EDUCATION,

EASTERN CAPE PROVINCE

FIRST RESPONDENT

THE HEAD OF DEPARTMENT

DEPARTMENT OF BASIC EDUCATION,

EASTERN CAPE PROVINCE

SECOND RESPONDENT

THE MINISTER OF BASIC EDUCATION

THIRD RESPONDENT

THE DIRECTOR-GENERAL,

DEPARTMENT OF BASIC EDUCATION

FOURTH RESPONDENT

ORDER

Having heard Counsel for the Applicants **ADVOCATE D J TALJAARD** and Counsel for the Respondents **ADVOCATE S A COLLETT** having read the papers filed of record and in terms of an undertaking furnished by the Respondents, duly represented by Mr **H M MWELI** and by agreement between the parties and in full and final settlement of the applications brought under Case No. **60/2011** and **214/2011**.

IT IS ORDERED THAT:

1. The Respondents shall:

- 1.1 In terms of the prescripts of the prevailing legislation, determine the 2012 post establishment for educators in the Eastern Cape Province;
- 1.2 declare and communicate to the schools such post establishment by the 30th September 2011;
- 1.3 advertise such declared posts by:
 - 1.3.1 31st October 2011 in respect of the post level 1 Educators;
 - 1.3.2 30th November 2011 in respect of the Head of Departments and Deputy Principals;
 - 1.3.3 31st December 2011 in respect of School Principals;

- 1.4 fill all declared posts in terms of the 2012 Post Establishment by 31st January 2012;
- 1.5 fill all vacant substantive posts in terms of the 2010 Post Establishment on a temporary basis pending the implementation of the 2012 Post Establishment, provided that where the learners numbers have decreased in a specific school, temporary educators will be appointed in terms of the 1:34 National ratio to such schools pending the implementation of the 2012 Post Establishment 30 days from this order;
- 1.6 the Review Application under Case No. **60/2011** is hereby withdrawn and the *rule nisi* granted in terms thereof shall lapse with effect from 30 days of this order;
- 1.7 The Respondents will pay the costs duly taxed jointly and severally in respect of this application and the application under **60/2011** as at today's date.

BY ORDER OF THE COURT