

Supreme Court of Appeal of South Africa

MEDIA SUMMARY – JUDGMENT DELIVERED IN SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 31 March 2008

Status: Immediate

**HEAD OF WESTERN CAPE EDUCATION DEPARTMENT v
GOVERNING BODY OF POINT HIGH SCHOOL**

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal

The Supreme Court of Appeal today dismissed an appeal by the Head of the Western Cape Education Department against a judgment of the Cape High Court in which the appointment of a principal and a deputy principal to the Point High School, Mossel Bay, had been set aside. The Cape High Court had directed the Head of Department to appoint the two candidates recommended by the Governing Body of the School, in place of the candidates previously appointed by the Head of the Department.

The Supreme Court of Appeal held that the Cape High Court had correctly found that the Head of Department had failed to take proper account of the relevant circumstances in coming to his decision as to whom to appoint. Accordingly the Appeal Court agreed that the appointments had followed upon an unreasonable and reviewable decision and had to be set aside. The Appeal Court made an order directing the Head of Department to appoint the candidates recommended

by the Governing Body, namely Mr JJ Bester as Principal and Mr F Pieterse as Deputy Principal.