



CASE NO: 18508/2009

**IN THE HIGH COURT OF SOUTH AFRICA
(NORTH GAUTENG HIGH COURT, PRETORIA)**

PRETORIA 30 NOVEMBER 2009

BEFORE THE HONOURABLE MR JUSTICE CLAASSEN

In the matter between:

CTI EDUCATION GROUP (PTY) LTD

APPLICANT

AND

THE MINISTER OF EDUCATION

DR MOLAPO QHOBELA

PROF. CHIKA SEHOOLE

DIRECTOR GENERAL: DEPARTMENT OF EDUCATION

1ST RESPONDENT2ND RESPONDENT3RD RESPONDENT4TH RESPONDENT

HAVING HEARD counsel(s) for the parties and having read the documents filed the court reserved its judgment.

THEREAFTER ON THIS DAY THE COURT ORDERS

JUDGMENT

1. An order in terms of paragraph 3.1, 3.2 and 3.3 of the notice of motion, as amended, which reads as follows:
 - 3.1 The provisions of sec 51 of the Higher Education Act 101 of 1997 ("the act") and the regulations thereto, do not render the delivery of higher education by a foreign institution which is facilitated by a local education institutions (on condition the local institution does not itself confer degrees in such courses) illegal;
 - 3.2 The Applicant is not precluded by the provisions of sec 51 of the Act, to offer courses in behalf of a foreign education institution, on condition that the applicant itself does not confer degrees in respect of such courses.
 - 3.3 The view expressed by the Department of Education (the Respondent) in its letters annexed hereto marked annexures FA 1 – FA 3 namely that the applicant was busy conducting business in contravention of the provisions of the Act, is inconsistent with the provisions of sec 51 of the Act.
2. THAT the applicant pays the cost of the hearing on 21 April 2009.

3. THAT the Respondents pay the costs of the application including the costs of the postponement on 19 May 2009.
4. THAT costs are to include the costs of two counsel as and where applicable.

BY THE COURT

REGISTRAR



Att:
HIGH COURT TYPIST: J Maphopha

From:

To:00214318128

24/05/2012 12:16

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IN THE NORTH GAUTENG HIGH COURT, PRETORIA

(REPUBLIC OF SOUTH AFRICA)

Pretoria 19 May 2009
Before The Honourable Judge Murphy
CASE NO: 18508/09
In the matter between:-

CTI EDUCATION GROUP (PTY) LTD

Applicant

and

THE MINISTER OF EDUCATION

First Respondent

DR MOLAPO QHOBELA

Second Respondent

PROF CHIKA SEHOOLE

Third Respondent

**DIRECTOR GENERAL: DEPARTMENT
OF EDUCATION**

Fourth Respondent

ORDER

After having heard counsel for the parties it is ordered that:

1. The application is postponed sine die.

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2. Pending the final determination of this application:

2.1.1. the Respondents will not:

2.1.1.1. take any steps that may lead to the deregistration of the
Applicant or effect the deregistration of the Applicant;

2.1.1.2. take any steps to prosecute or enforce any penalty in
terms of the provisions of Act 101 of 1997; and

2.1.1.3. interfere with any contractual relationships that the
Applicant may have with any foreign educational
institutions.

3. That the costs be reserved.

4. That the Registrar of the Court is requested to provide a preferential date
for the hearing of this matter.

By order

Registrar