



TRANSPARENCY, ACCESSIBILITY & ACCOUNTABILITY  
Stellenbosch University

**STUDENT COURT  
OF STELLENBOSCH UNIVERSITY**

**REPUBLIC OF SOUTH AFRICA**

**IN THE MATTER BETWEEN**

**MASILO SILOKAZI (CHAIRPERSON OF THE SRC)**

First Applicant

**EXECUTIVE COMMITTEE OF THE SRC**

Second Applicant

And

**BANZI BOTTOMAN (SRC POLICY OFFICER)**

First Respondent

In re

**BANZI BOTTOMAN (SRC POLICY OFFICER)**

First Applicant

And

**MASILO SILOKAZI (CHAIRPERSON OF THE SRC)**

First Respondent

**EXECUTIVE COMMITTEE OF THE SRC**

Second Respondent

**Neutral Citation:**

*Chairperson of the SRC and Another v SRC Policy Officer  
in re: Dismissal of SRC Policy Officer v Chairperson of the  
SRC and Another 05/23*

**Judgment:**

BEUKES CJ, LOURENS J, PAUW J (BRAAF DCJ and  
SIMONIS J concurring)

**Heard on:**

Heard on papers on 13 May 2023

**Decided on:**

19 May 2023

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JUDGMENT

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BEUKES CJ, LOURENS J, PAUW J (Braaf DCJ and Simonis J concurring)

*Introduction and facts of the matter*

[1] This is an application to dismiss the main proceedings, namely *SRC Policy Officer v SRC Chairperson and Another*, and was instituted by the Respondents in that matter. They are the Applicants in the current matter. They allege that the *prima facie* procedural non-compliance of the filings made by Applicant to the main proceedings has prejudiced the matter against them, and therefore seek to dismiss the application in terms of Rule 3(5) of this Court's Rules of Procedure of 2023 (the Rules). It therefore falls to be determined whether the filings are indeed not compliant with the rules, and therefore defective in terms of Rule 6(8). Furthermore, it must be determined whether this non-compliance has prejudiced the Applicants and should therefore be dismissed.

[2] The facts of the main application itself do not require illustration here, however, the facts and time periods relating to filings require some canvassing. The SRC Policy Officer, namely the Applicant in the main proceedings, but the Respondent in these preliminary proceedings, approached this Court on an urgent basis on 4 May 2023, which was a Thursday. On Friday, 5 May, this Court informed the parties that the Respondent's filings are *prima facie* non-compliant with the Rules, and reiterated that it is a party's sole responsibility to ensure their filings comply with such Rules, and that they can choose whether they would like to rectify it. Nevertheless, it was in the interest of justice to allow the Respondent to rectify their filings, and to resubmit by 17:00 on that day. On the same day the Respondent notified the Court that he was unable to submit the rectified filings due to an engagement. Accordingly, a postponement was allowed until Saturday, 6 May, at 08:00. The Respondent indicated that it would be submitted by that time.

[3] The purpose for providing such short timelines for resubmission was for the Court to be able to consider the urgency of the matter, and thus, to avoid prejudice to the Respondent by unnecessarily prolonging submission times. However, the

Respondent failed to submit their filings by this deadline and had not yet submitted anything by the time Counsel for the Applicants approached this Court requesting guidance on the timelines that is required for submission of their Notice of intention to oppose on Sunday, 7 May. Since the Respondent approached the Court on an urgent basis, the usual timelines could be subject to change. We notified the Applicants that there had been no submission and that the usual timelines would apply since urgency had not yet been considered. On Monday, 8 May, the Applicants filed a motion to dismiss along with motion of intention to oppose. The Respondent complied with the set timeline and filed his Answering affidavit to this motion on Wednesday, 10 May.

*Locus standi*

[4] Neither the Applicants nor the Respondents dispute *locus standi* in either the main proceedings or the present matter. The First Applicant is acting in their official capacity and has also been authorised to act on behalf of the Second Applicant. The Respondent is also acting in their official capacity. Therefore, in terms of section 86 of the Student Constitution of 2021 (Student Constitution), all parties have standing in the present matter.

*Jurisdiction*

[5] Neither the Applicants nor the Respondents dispute this Court's jurisdiction to hear the matter. It is trite that section 84(2) of the Students Constitution empowers us to "[d]ecide on the constitutionality of any action or omission of a student body or a member thereof." As the main application was brought to do just this, jurisdiction is present. Furthermore, Rule 6(8) and Rule 3(5) of the Rules allows us to declare filings defective and to dismiss any submission that does not comply with the Rules, respectively.

*Imposition of timelines and defence for non-compliance*

[6] The Respondent alleges that this Court imposed unreasonably strict timelines on him for the rectification of his filings, and that if he were granted more time, he would have been able to comply. However, the decision of this Court to provide the Respondent with an opportunity to rectify his filings in the first place was a position of leniency adopted by this Court. The Applicant was not naturally entitled to rectify his filings outside of the normal rules for amendments, and no duty is imposed on this

Court to provide such an opportunity. Furthermore, the Respondent approached this Court on an urgent basis. As such, the timelines for rectification were shorter so that urgency could still be determined without prejudicing either party. Therefore, for the Respondent to approach this Court on an urgent basis, and then find it unreasonable that the timelines imposed reflect that urgency, is untenable. In his Answering Affidavit, the Respondent indicates that he would have been able to comply if the deadline had been extended to Sunday, 7 May. Originally, however, the Respondent communicated his appreciation for the Court's leniency and undertook to comply with the 6 May deadline. When it became apparent that he would no longer be able to do so, he made no attempt to notify the Court of this fact or the reasons for it.

[7] In respect of the reasons for being unable to comply with the deadline, the Respondent submitted that he had cultural and other engagements. We would like to reiterate and emphasise that we respect and acknowledge the rights of all students in respect of all cultures and religions. Yet, these engagements do not provide any explanation as to why the filings were *prima facie* defective in the first place. Furthermore, the Respondent stated that he was unable to notify the Court on 6 May 2023 of him being unable to comply with the deadline, and cited these cultural reasons as well as other engagements. In this regard, the Respondent filed documentary evidence of various emails he sent to show that he had cancelled other engagements in order to be able to fulfil his cultural obligations. One of these emails was sent on 6 May at 11:17.<sup>1</sup> Thus, through his own evidence, he admitted, albeit inadvertently, that he was indeed able to communicate via email. His failure to notify the Court of being unable to comply with the deadline, is therefore not due to his engagements, as he was in fact able to communicate. In addition, he undertook expressly to comply with the deadline set by this Court, and still failed to send notification of his non-compliance.

[8] While it is unwise to delve into hypothetical scenarios, it is not unreasonable to consider the possibility of this Court granting another extension if we were notified of his cultural engagements on 6 May. This is especially true since the Respondent submitted that he would have been able to submit the rectified documents if the deadline was extended by another day. Nevertheless, the fact remains that the

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<sup>1</sup> Answering affidavit annexure N.

Respondent undertook to comply with the 6 May deadline and failed to do so. He further failed to notify the Court of being unable to comply even though he was able to communicate via email. The reasons he provided also do not explain the *prima facie* defects in the first place.

*Prima facie defects in court papers*

*General and Notice of Motion*

[9] The Applicants seek to dismiss the main application in terms of Rule 3(5) of the Rules. They allege various grounds of non-compliance with the Rules in their founding affidavit. The Applicants aver that the Respondent's non-compliance in respect of the Notice of Motion and Founding Affidavit in the main application causes significant prejudice to all parties involved in the proceedings by creating difficulties in adequately responding to the application. Accordingly, the Court will consider each of the grounds of non-compliance raised by the Applicants to determine if sufficient prejudice exists to dismiss the application in terms of Rule 3(5) of the Rules.

[10] Firstly, this judgment will turn to the alleged defects in the Respondent's Notice of Motion. Rule 7(2) of the Rules sets out what information must be included in a Notice of Motion. The Applicants allege that the Notice of Motion filed by the Respondent fails to comply with these requirements in several ways.

[11] Rule 7(2)(c) requires that a Notice of Motion sets out "the time periods within which the respondent(s) are required to file a Notice of Intention to oppose and Answering Affidavit(s) in accordance with Rule 9." The Respondent failed to include such time periods in his Notice of Motion. The Applicants concede that non-compliance with this requirement will generally not prejudice an opposing party as the timelines are clearly prescribed in Rules 9(1) and 9(2) in any event. However, the Applicants argue that because the Respondent brought the applicant on an urgent basis, such time periods are essential to for them to know when to file their Notice of Intention to Oppose, Answering Affidavit, and other supporting evidence.

[12] On the basis of urgency, the Court may dispense with the regular timeframes and impose stricter timelines in terms of Rule 8(2). The Applicants aver that the time periods had to be included by the Respondent as they are necessary to afford the

Applicants enough time to consider how to respond to the main application, draft their responding papers, and allow the SRC executive committee to follow the necessary procedures to ensure that one of its members is duly authorised to act on its behalf.

[13] Urgency remains to be determined by the Court in terms of Rule 8(2). It is not within a litigating party's discretion to set the shortened timelines necessary to deal with a matter on an urgent basis. However, a party must suggest alternative timelines that will be sufficient to properly deal with the matter given the urgent circumstances. Arguably, it is necessary for a party alleging urgency to do so. Failure to comply with this formal requirement creates a period wherein the responding party is uncertain when their Notice of Intention to Oppose and Answering Affidavit will have to be filed. Only when the Court rules on urgency will such confusion be cleared up. Therefore, the Court accepts the Applicants' argument that the Respondent's non-compliance with Rule 7(2)(c) prejudices them by frustrating their ability to adequately respond to the application.

[14] Rule 7(2)(d) requires that a Notice of Motion sets out "the applicant's preferred email address for service of documents related to the matter." The Respondent failed to do so. The prejudice arising from such non-compliance is clear as it further frustrates the responding party's ability to respond to the application in an adequate and timely manner. It is unlikely that non-compliance with this requirement alone will be sufficient to warrant dismissal, as it can easily be rectified by an applicant providing their preferred email address. However, as will be illustrated later in this judgment, this non-compliance adds to an entire body of defects, which cumulative effect may indeed establish the necessary prejudice to justify dismissal.

[15] Rule 6(4) requires an applicant to inform all the parties that may have a material and substantial interest in the application. The Respondent failed to cite or inform the Electoral Commissioners by email of the application. The election of the Commissioners is central to the application brought by the Respondent. The Respondent argues that he did not seek to have the Court set aside the decision of the Executive Committee of the SRC to elect the Commissioners. He merely "sought

relief to only rectify the unconstitutionality of the appointment”.<sup>2</sup> From a reading of the Respondent’s original Notice of Motion and Founding Affidavit, he did in fact not directly request the Court to set aside the decision of the Executive Committee.

[16] However, when considering which parties may have a material and substantial interest in an application, the Court must be wary of the potential impact any order may have. Although it is difficult to discern from the original Founding Affidavit what precise relief the Respondent seeks from the Court, one of the possible remedies he seeks is for the Court to order the minutes be released, in respect of section 42(2) of the Student Constitution. Alternatively, the Respondent seeks relief ordering that the special meeting in respect of section 42(3) of the Student Constitution continue, regardless of the failure to release minutes and to comply with the requirements in section 42(3). The effect of the Court granting such relief may well be that the SRC sets aside the decision of the Executive Committee to appoint the Electoral Commissioners in terms of section 41(3) of the Student Constitution. This will have a clear impact on the Commissioners, and they are, as a result, parties with material and substantial interest in the application. The prejudice arising from this non-compliance is also evident as a party who is not informed of proceedings that may materially and substantially affect them will not be able to oppose it. In any event, the rule requires that the Court must be informed of those who *may* have a material interest, and since the matter deals with the decisions surrounding the Electoral Commission’s appointment, it is clear that they *may* have material and substantial interest in the matter.

[17] The Respondent also fails to cite the Secretary of the SRC or the Vice Chairperson of the SRC in their individual official capacities. The Applicants argued that these individuals have a material interest in the alleged constitutional violation and should therefore also be informed of the proceedings. The Respondent conceded that this failure “might be against the *Audi alterum partum* rule”.<sup>3</sup> The prejudice arising from this non-compliance is similar to what is discussed in the paragraph above.

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<sup>2</sup> Answering affidavit para 42.

<sup>3</sup> Answering affidavit para 40.

*Founding Affidavit*

[18] Next, it is necessary to turn to the Respondent's Founding Affidavit in respect of the main proceedings. The requirements for a Founding Affidavit are listed in Rule 7(3). As with the Respondent's Notice of Motion, the Applicants allege that the Respondent's Founding Affidavit does not comply with these requirements and that this non-compliance is material and prejudicial.

[19] Rule 7(3)(e) requires a Founding Affidavit to set out a statement of facts as it pertains to the dispute, with each averment in a distinct paragraph. The Applicants argue that the Respondent's affidavit is non-compliant in this regard, as "various facts are discussed intermittently throughout"<sup>4</sup> rather than being stated clearly and sequentially. Furthermore, they state that the alleged non-compliance undermines their ability to respond to each factual averment put forward by the Respondent and rebut false or unproven averments. This issue is apparently compounded by the urgent timeframe contended for by the Respondent.

[20] The Respondent did not advance any specific counterargument except for a general contention that the Applicants are "overplaying [his] "shortcomings"<sup>5</sup> and that this Court and the Applicants maintain a "very strict imposition of the Rules" in identifying the flaws in his filings.<sup>6</sup> Although it is true that this Court must guard against upholding formal requirements rigidly for their own sake, a clear statement of facts is important. Firstly, such a statement of facts ensures that a counterparty can identify and rebut facts that are not common cause. Secondly, it enables the Court to evaluate which party's version of events is correct or more likely. Therefore, adherence to the Rules remains a very important consideration as it protects litigants against prejudice and places parties on an equal footing.

[21] In his Founding Affidavit, the Respondent's gives a disjointed account which intersperses factual averments, personal opinions, and legal arguments throughout. Accordingly, it is often difficult to determine whether a particular statement is made as a matter of fact, opinion, or law. The Court therefore accepts the Applicants' argument

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<sup>4</sup> Founding affidavit para 37.

<sup>5</sup> Answering affidavit para 51.

<sup>6</sup> Answering affidavit para 26.



that the Respondent did not comply with Rule 7(3)(e) and that this non-compliance caused prejudice for them.

[22] Next, the Applicants allege that the Respondent failed to comply with Rule 7(3)(f) and 7(2)(e), which respectively require a Founding Affidavit to refer to, and a Notice of Motion to list, the documentary evidence that will be used in support of the averments and facts in an affidavit. Indeed, the Respondent's Notice of Motion did not list supporting documents and is plainly non-compliant with Rule 7(2)(e).

[23] In respect of the Respondent's Founding Affidavit, the Applicants identified a slew of "unsubstantiated factual averments."<sup>7</sup> The Applicants contend that the Respondent's failure to substantiate such averments with documentary evidence unduly increases the burden on the Applicants to retrieve the relevant documents and respond in the appropriate time frame.

[24] In the same vein, the Applicants contend that several averments in the Respondent's Founding Affidavit are *scandalous*, *vexatious*, and/or rely on hearsay evidence. This, they say, is detrimental and defamatory for them as the Applicants and for other persons referred to in the averments. Consequently, such averments should not be included in the affidavit without documentary support. On the other hand, the Respondent argues that these are matters that speak to the merits of the case and are reserved for a hearing, although he concedes to the procedural defect of failing to corroborate averments with evidence.

[25] The above-mentioned terms have specific meanings in our law. A *scandalous* allegation is one which may be relevant, but which is worded to be abusive or defamatory. A *vexatious* allegation may be relevant, but is worded so as to convey an intention to harass or annoy.<sup>8</sup> It is well-established that a court "should not lightly allow vitriolic statements of this kind to form part of the record or as evidence" and that it "should never be seen to be condoning this kind of inappropriate behaviour, embarked

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<sup>7</sup> Founding affidavit para 40; Footnote 1.

<sup>8</sup> *Helen Suzman Foundation v President of the Republic of South Africa and Others; Glenister v President of the Republic of South Africa and Others* 2015 2 SA 1 (CC) para 28.

upon under the guise of robustness.”<sup>9</sup> Thus, what matters is not only what is being said, but how it is said. Accordingly, a party may apply to strike out such statements without a hearing needing to be held.

[26] Throughout his Founding Affidavit, the Respondent employs highly emotive language and makes categorical statements about the first Applicant’s state of mind, intentions, and aims, without attaching documentary support thereof. It is easy to see how these issues could cause prejudice to the Applicants, when the Respondent claims that these matters are within his personal knowledge.

[27] At this juncture, it is worth emphasising that this is not a political arena for parties to cast aspersions on each other. Any party who engages this Court must do so civilly and, at the very least, make an earnest attempt to prove what they allege. Doing otherwise is unfair to the other parties and may undermine the legitimacy of the Court. Therefore, The Court accepts that the Respondent’s failure to list and refer to documentary evidence, in contravention of Rules 7(2)(e) and 7(3)(f), causes potential prejudice for the Applicants.

[28] The next criticism levelled at the Respondent’s Founding Affidavit is that it does not include a full signature, as is required by Rule 18. The Applicants argue that the mere inclusion of the Respondent’s name and title is insufficient, and calls into question the veracity of his oath. Although the Respondent did not advance any specific counterargument, the Applicants’ contention falls flat, nonetheless.

[29] In our law, the primary purpose for requiring a deponent to sign an affidavit is to “obtain irrefutable evidence that the relevant deposition was indeed sworn to.”<sup>10</sup> For this reason, our courts have confirmed that substantial compliance with the Regulations Governing The Administration Of An Oath Or Affirmation<sup>11</sup> suffices for an affidavit to be valid.<sup>12</sup> Although the Court does not follow those regulations, we must also guard against adopting an unduly narrow interpretation of Rule 18.

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<sup>9</sup> Para 30.

<sup>10</sup> *S v Munn* 1973 3 SA 734 (N) 737F-H.

<sup>11</sup> GN R1258 in GG 3619 of 21-07-1972.

<sup>12</sup> *S v Munn* 1973 3 SA 734 734H; *Knuttel NO and Others v Bhana and Others* 2022 2 ALL SA 201 (GJ) para 53.

[30] Additionally, this Court's Rules do not prescribe a precise form for the signature required for a pleading or affidavit. In South African common law, the requirements for a valid signature are simply that (1) the name or mark of the person signing must appear on the document, (2) the person signing must have applied the signature or mark themselves, and (3) the person signing must have intended to sign the document. For the purposes of the Electronic Communications and Transactions Act 25 of 2002 ("ECTA"), an *electronic signature* "means data attached to, incorporated in, or logically associated with other data and which is intended by the user to serve as a signature."<sup>13</sup> Such a signature will be deemed to be valid where (1) a method is used to identify the signatory and indicate approval of the information communicated, and (2) having regard to all the relevant circumstances at the time the method was used, the method is reliable as was appropriate for the purposes for which the information was communicated.<sup>14</sup>

[31] In line with the above definition, a person's typed name is essentially equivalent to an image or digital replica of a handwritten signature. Neither of these qualify as an *advanced electronic signature*, which S18 of ECTA requires for a document made under oath. It is self-evident that requiring an *advanced electronic signature* in proceedings before this Court would be impractical and ill-advised. What is important is that a deponent to an affidavit should understand the solemnity of the occasion, leave no doubt about their identity, and intend to be held to their sworn statement. By all indications, this was done in the present case.

[32] Therefore, the Respondent's typed name and position is a valid and correct signature in terms of Rule 18. The Respondent's email address, from which the Founding Affidavit was sent to the Applicants and this Court, serves as further reliable authentication of the Respondent's identity. Furthermore, if this is incorrect, the Respondent still complied substantially with Rule 18 such that the affidavit is not invalid for this reason. The Court therefore disagrees with the Applicants that the form of the Respondent's signature called the veracity of his oath into question.

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<sup>13</sup> Section 1 of the Electronic Communications and Transactions Act 25 of 2002.

<sup>14</sup> Section 13(3).

[33] Next, the Applicants take issue with the Respondent's approach to urgency. In terms of Rule 8(2) read with Rule 3(5), upon deeming a matter urgent, this Court "may dispense with any of the Rules" in the interests of justice. Rule 8(1) requires an applicant to "set forth the circumstances which render the matter urgent" "explicitly," along with "the reasons why the applicant [would] be prejudiced" if the matter were to proceed according to the normal rules and time frames.

[34] The Applicants argue that the Respondent did not comply with Rule 8(1), as he apparently set out neither the circumstances which render the matter urgent nor the reasons why he would be prejudiced if the Rules were not deviated from. The Respondent's counterargument is essentially that unconstitutional conduct should not be tolerated. The Respondent further seems to draw the conclusion that this Court attempted to gauge the urgency of the matter by assigning a short timeline for rectifying his defective documents.

[35] This Court agrees with the Applicants that the Respondent's arguments are insufficient to establish urgency. It is well-established that the mere potential implication of constitutional rights does not render a matter urgent.<sup>15</sup> The requirements for urgency exist for a reason. The deviation from the Rules and the time frames set therein may inconvenience other parties as well as the Court. An applicant must prove that such inconvenience is justifiable. This was not done in the present case.

[36] There is also no basis for the Respondent's suggestion that the Court used a strict time frame to determine whether he truly considered the matter urgent. Instead, the shortened time frames were granted precisely to assist the Respondent in filing his documents on an urgent basis. This Court cannot be blamed for the Respondent's failure to make use of this opportunity.

*Departure from the Rules in the interests of justice*

[37] The Court is empowered in Rule 3(4) to depart from the Rules upon the showing of just cause by any party, or at the Court's discretion if it is in the interest of justice to

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<sup>15</sup> *Hotz v University of Cape Town* 2018 1 SA 369 (CC) para 15.

do so. The Applicants argue against granting the Respondent any further opportunities to amend their application or condone their non-compliance with the Rules. They provide several reasons for this:

- the Respondent has already been given a chance to amend their application but failed to do so, despite being aware of the defects;
- allowing further amendments would delay the resolution of the matter, as the court has already shortened the timeframes for submissions;
- the Respondent's non-compliance and defective application have caused significant prejudice to the Applicants and indicate bad faith litigation;
- the respondent has not provided any argument to justify their departure from the Rules; and
- departure from the standard Rules should aim to achieve justice and allow parties to participate effectively, but allowing the Respondent's defective application would harm the quality of proceedings and the interests of the other parties involved.

[38] The Respondent, in turn, argues that the sole reason for his non-compliance is the circumstances that rendered him unable to comply with the grace period afforded to him by the Court. The Respondent alleges that he had not intended to prejudice any party with the procedural defects. He also states that he had “filed an Application and a Motion of Notice before this court before and never experienced any procedural defects in any form”.<sup>16</sup> The Court remains sympathetic to the Respondent's submissions regarding the circumstances that he alleged hindered him from rectifying his non-compliance. This point has already been considered above.

[39] The fact that the Respondent did not face a dismissal application in his previous endeavours before the Court is not convincing as to why he is non-compliant in the present matter. The Rules are available on the Student Court's website and notice of their adoption was posted on the Court's website long before the institution of the main proceedings. In any event, the Respondent was afforded time to rectify his non-compliance but chose not to do so or to request the Court for a further extension in spite of being able to do so, as considered above. It is important to note that the

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<sup>16</sup> Answering affidavit para 45.

Respondent conceded to the fact that his Notion of Motion and Founding Affidavit were not in compliance with the Rules.

[40] Ultimately, the Court will not point to one instance of non-compliance in the Respondent's papers to justify dismissal in terms of Rule 3(5). Rather, the cumulative effect of all the instances of non-compliance discussed above creates substantial prejudice for the Applicants, as well as the parties not cited or informed by the Respondent. In view of this, the Court finds it appropriate to dismiss the Respondent's main application in terms of its powers in Rule 3(5). Should the Respondent wish to reinstitute the application, the Court respectfully requests that he does so in a manner that complies with the carefully drafted Rules of Procedure of this Court.

*Discrete procedures for extension and amendment applications*

[41] In his Answering Affidavit in relation to these dismissal proceedings, the Respondent seeks relief in the form of an extension in terms of Rule 12 to allow him to utilise Rule 13 to amend his filings. The Respondent suggests that this is better than the alternative of dismissal, which he states, "would further strain the possibility of justice and accountability." After the Respondent filed this affidavit, counsel for the Applicants contacted this Court to enquire about the purpose of including dismissal proceedings in the Rules. Counsel for the Applicants also noted that Rules 12 and 13 prescribe specific processes and tests for extensions and amendments. The central issue was that the Respondent made no new factual averments in his Answering Affidavit which the Applicants sought to contest, and thus the Applicants would not be able to file a Replying Affidavit wherein they could make these arguments and object to the requests for extension and amendment.

[42] The Court agrees with the Applicants that the applications for dismissal, amendment, and extensions are all distinct in terms of the Rules. The respective rules pertaining to these matters should be followed closely to ensure that procedural fairness is upheld. Thus, it would be inappropriate and unfair to award the Respondent the relief sought, especially when his substantial non-compliance with the Rules up to this point is factored in.

*Conclusion*

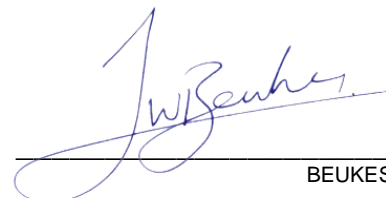
[43] The need for compliance with the Court's rules and procedures is clear. Compliance puts litigants on an equal footing and allows them to best present their respective cases. The abandonment of formal requirements, rules of procedure and the like, puts the rule of law into jeopardy. We are a society built on the fundamental values enshrined in the Constitution of the Republic of South Africa, 1996, and the rule of law forms an integral part thereof. In the context of Stellenbosch University, the Court exists to ensure accountability, transparency, and fairness, among others. If we do not give due regard to the Rules of Procedure, which we are empowered to promulgate in terms of the Student Constitution, it would endanger the rule of law within student leadership.

[44] Ultimately, the Respondent's significant non-compliance with the Rules prejudices the Applicants. While a matter should only be dismissed with circumspection, this particular case justifies dismissal. We are therefore left with no other option than to dismiss the application.

*Order*

[45] The following is ordered:

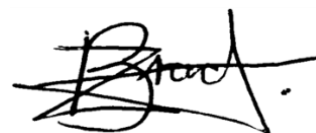
- [1] The main application is dismissed based on non-compliance with the Rules, and;
- [2] No ruling is made as to the merits of the main proceedings and is therefore not *res judicata*.

  
BEUKES CJ

  
PAUW J

A handwritten signature in black ink, appearing to read 'Lourens', written over a horizontal line.

LOURENS J

A highly stylized handwritten signature in black ink, written over a horizontal line.

BRAAF DCJ

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SIMONIS J