

**IN THE STUDENT COURT OF THE UNIVERSITY OF STELLENBOSCH
(HELD AT STELLENBOSCH)**

In the matter between:

ZANDILE MANTILE

Applicant

And

STEMBUS (“INDEPENDENT ELECTORAL COMMISSION”)

Respondent

JUDGMENT HANDED DOWN BY THE STUDENT COURT

Owing to the urgent nature of these proceedings, the following judgment is kept concise and further reasoning of this court may be requested.

In terms of section 14(3) of Schedule 1 (“Student Representative Council General Election”) of the Stellenbosch University Student Constitution, a decision to reject the application of a Student Representative Council candidate on academic grounds must be made by a committee (hereafter referred to as the “committee”), consisting of five specified members. Section 14(3)(b) of Schedule 1 specifically states that the Chair of the Student Representative Council must sit as one of these five members. As this requirement was not met in the reaching of the decision to reject the Applicant’s candidature, the decision is null and void.

ORDER:

The commencement of the 2016 Student Representative Council elections is subject to a meeting as required by section 14(3) of Schedule 1 of the Student Constitution. In order to prevent an unnecessary suspension of the 2016 elections, this court advises the Respondent to ensure that meeting of the committee takes place early enough – and in conjunction with logistical role-players to the election process – so as not to disrupt the elections as currently scheduled.

This court advises the committee, based on the facts that gave rise to this dispute, to furnish the Applicant with adequate reasons for their decision.

DE VILLIERS K with COLEMAN E, OOSTHUIZEN A and ZEVENBERGEN I concurring.