



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

DELETE WHICHEVER IS NOT APPLICABLE

(1) REPORTABLE: ~~YES~~/NO

(2) OF INTEREST TO OTHER JUDGES: ~~YES~~/NO

(3) REVISED

DATE: 18 September 2025

SIGNATURE:.....

[Redacted Signature]

Case No. 001113/2025

In the matter between:

MAREVA, JAMES

APPLICANT

And

**DEPARTMENT OF MINERAL RESOURCES
AND ENERGY**

FIRST RESPONDENT

**MSIZA, DAVID N.O (IN HIS OFFICIAL
CAPACITY AS CHIEF INSPECTOR OF MINES
IN THE DEPARTMENT OF MINERAL
RESOURCES AND ENERGY)**

SECOND RESPONDENT

Coram: Millar J

Heard on: 15 September 2025

Delivered: 18 September 2025 - This judgment was handed down electronically by circulation to the parties' representatives by email, by being uploaded to the *CaseLines* system of the GD and by release to SAFLII. The date and time for hand-down is deemed to be 09H00 on 18 September 2025.

JUDGMENT

MILLAR J

- [1] The applicant, Mr. Mareva is an Engineering Superintendent employed at a mine. This application, opposed by the first and second respondents, is for two declaratory orders and a mandamus relating to the issue to him of a Government Certificate of Competency (GCC) in electrical engineering. The third respondent gave notice of its intention to abide the decision of the court.
- [2] The circumstances leading to this application are uncomplicated and largely common cause. These concern the issue of a GCC. The relevant statutory

framework is to be found in the Mine Health and Safety Act¹ and the regulations promulgated in terms of section 98. Not necessary to set out the requirements for the issue of a GCC as set out in regulation 28 read together with the guidelines for implementation issued in respect thereof. For the reasons set out below it will become apparent that this case turns not on compliance with the regulations but on whether Mr. Mareva was accepted on 5 October 2012 to do his GCC or not.

- [3] Mr. Mareva applied to the first respondent to be accepted as a candidate for the GCC. On 5 October 2012, he received a letter from the first respondent's Secretary of the Commission of Examiner's – Ms. Pienaar. The letter of 5 October 2012 reads *"This is to certify that your qualifications comply with the prescribed curriculum. It is suggested that you contact your company and requested[sic] to be trained as [a] Junior Engineering [sic] on the company's Junior Engineering scheme."*
- [4] Mr. Mareva interpreted this letter as a formal acceptance of him. He then, on the same day registered for the GCC examinations with the third respondent. He received an admission permit and examination timetable, paid the required fees and was subsequently granted entry to the examinations.
- [5] He wrote and passed the examinations in Knowledge of Mines on 21 November 2014 and Plant Engineering and Works on 11 June 2015. He also began and completed the practical work required for the GCC qualification and was issued confirmation of this on 30 August 2017.
- [6] On 5 September 2017 the Applicant applied to the Secretary of the Commission of Examiners, for the issue of the GCC.

¹ 29 of 1996.

- [7] On 15 November 2017 the Applicant received a letter from the Chairman of the Commission of Examiners – Mr. Zondi – refusing the issue of the GCC. The reason proffered for this was that Ms. Pienaar's letter did not constitute his acceptance as a candidate. Reference was made to the internal documentation which the first respondent indicated that it could not locate which Mr. Zondi stated would be indicative of acceptance to do the GCC.
- [8] On this ostensible basis, Mr. Mareva had written the examinations and completed the practical training in circumstances where he was never enrolled in the first place. His achievements were for nought, and he was required to redo everything, only once he had been formally accepted.
- [9] What followed was an attempt by Mr. Mareva to comply with what had been suggested by Mr. Zondi. This too was unsuccessful primarily because the university where he had written and passed the two examinations refused to readmit him to redo the very courses he had already successfully completed.
- [10] However, thereafter, on 14 June 2019, Mr. Zondi in his capacity as the Chairperson of the Commission of Examiners wrote to Mr. Mareva. The letter was headed "APPLICATION FOR ACCEPTANCE AS A CANDIDATE FOR THE ENGINEERING CERTIFICATE OF COMPETENCY EXAMINATION FOR: ELECTRICAL ENGINEER" and recorded that "You have been accepted as a candidate for the abovementioned examination." The letter then proceeded to set out the subjects for which he had been accepted and concluded with "*The Chief Inspector of Mines will grant the appropriate certificate to you when you have passed the subjects indicated.*" (my underlining)
- [11] This letter changed the position materially. It is common cause that Mr. Mareva only ever submitted one application for admission. This was the application made

on 5 October 2012 and so he could only have been accepted in terms of that application.

- [12] If, as had been previously indicated on 15 November 2017, he had not been accepted pursuant to the application of 5 October 2012, then there was no basis for him to be accepted in the absence of a new application.
- [13] Can Ms Pienaar's letter in its terms be interpreted to constitute an acceptance? It has been accepted that *"interpretation is a unitary exercise that takes account of text, context and purpose."*²
- [14] The only basis for the acceptance as set out in the letter of 14 June 2019 is the application of 5 October 2012. Furthermore, besides the academic requirements for the GCC, there was the practical component. Mr. Mareva was accepted to and completed both. Almost all the practical training done was done at his employer and it is an engineer there who signed off on the completion of the practical component.
- [15] The reference in the letter to the companies junior engineering scheme was thus not unusual nor was it read as being something different to what he was applying for. Mr. Mareva, the university where he did the courses, and his employer all understood what the letter meant.
- [16] It follows as a matter of common sense that Mr. Mareva had indeed been accepted on 5 October 2012. The assertion that Ms Pienaar's letter was not an acceptance letter, when considered through the lens of its contents and the acceptance on 14 June 2019 is simply not sustainable.
- [17] The consequence of the initial denial on 15 November 2017 that Mr. Mareva had been accepted was that by the time that the first respondent accepted that he had, he had already fulfilled all the requirements for the issue to him of the GCC. He was at that stage at the earliest entitled to the issue of the GCC.

² *South African Nursing Council v Khanyisa Nursing School (Pty) Ltd* 2024 (1) SA 103 (SCA) at para [15].

- [18] The attempt to compel him to rewrite the examinations he had already passed or to redo the practical work he had successfully done was nothing more than a box ticking exercise to synchronize the dates when these requirements were met to be after the date of “acceptance”.
- [19] The respondents argued that Mr. Mareva had previously brought a review application but had subsequently abandoned this in favour of the declaratory orders sought in the present matter.
- [20] Had the case turned only upon the refusal to issue the GCC as set out in the letter of 15 November 2017³ then this would have been a different matter. The refusal would have been, subject to the internal appeal, a reviewable decision.
- [21] This case however turns on the subsequent decision set out in the letter of 14 June 2019 and effective admission that Mr. Mareva had indeed been accepted on 5 October 2012. This decision was not reviewable and the only appropriate remedy that can be granted are the declaratory orders that have been sought herein.⁴
- [22] It was agreed by the parties that costs should follow the result and should be awarded as between party and party. In view of the nature and importance of the matter to Mr. Mareva I am persuaded that the engagement of senior counsel was a wise and reasonable precaution and for that reason counsel’s costs are to be awarded on scale C.
- [23] In the circumstances it is ordered:
- [23.1] It is declared that the applicants Government Competency Examination results for Legal Knowledge obtained on 21 November 2014 and Plant Engineering: Mines and Works obtained on 11 June 2015 are valid for purposes of the issue of a Government Competency Certificate in Electrical Engineering.

⁴ *Shell's Annandale Farm (Pty) Ltd v Commissioner, South African Revenue Service* 2000 (3) SA 564 (CPD) at 232 G-H. This was a tax case, but the principle is of equal application in the instant case where a “pragmatic approach” to the resolution of the dispute is apposite.

- [23.2] It is declared that the applicant has fulfilled all the requirements for the issue to him of a Government Competency Certificate in Electrical Engineering.
- [23.3] The first and second respondents are ordered to issue the applicant Government Competency Certificate in Electrical Engineering with effect from 14 June 2019
- [23.4] The First and Second Respondents are ordered to pay the Applicant's costs of the application on the scale as between part and party, the costs of counsel to be taxed on scale C.


A MILLAR
JUDGE OF THE HIGH COURT
GAUTENG DIVISION, PRETORIA

HEARD ON: 15 SEPTEMBER 2025

JUDGMENT DELIVERED ON: 18 SEPTEMBER 2025

COUNSEL FOR THE APPLICANT: ADV. M MPSHE SC

INSTRUCTED BY: MAOBA ATTORNEYS INC.

REFERENCE: MR. M MAOBA

COUNSEL FOR THE 1ST & 2ND

RESPONDENTS: ADV. N MATIDZA

INSTRUCTED BY: THE STATE ATTORNEY, PRETORIA

REFERENCE: MR. M MATUBATUBA

THE 3RD RESPONDENT FILED A NOTICE TO ABIDE.