



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: 28 October 2025

SIGNATURE: 

Case No. 001113/2025

In the matter between:

**DEPARTMENT OF MINERAL RESOURCES
AND ENERGY**

FIRST APPLICANT

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

SECOND APPLICANT

And

MAREVA, JAMES

RESPONDENT

IN RE

MAREVA, JAMES

2
APPLICANT

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

DEPARTMENT OF HIGHER EDUCATION
AND TRAINING

THIRD RESPONDENT

Coram: Millar J

Heard on: 23 October 2025

Delivered: 28 October 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 28 October 2025.

JUDGMENT

MILLAR J

- [1] On 18 September 2025, this Court issued orders, declaring *inter alia* that Mr. Mareva had complied with the requirements for the issue to him of a Government Competency Certificate in Electrical Engineering (GCC) and

ordering the first respondent (DMRE) to issue him with the certificate effective 14 June 2019. In this judgment, the first and second applicants are referred to as the DMRE.

[2] The DMRE has applied for leave to appeal against the orders granted.

[3] The test for the granting of leave to appeal pertinent to the present matter is set out in section 17(1) of the Superior Courts Act¹ as follows:

“(1) Leave to appeal may only be given where the judge or judges concerned are of the opinion that

(a) (i) the appeal would have a reasonable prospect of success or

(ii) there is some other compelling reason why the appeal should be heard, including conflicting judgments on the matter under consideration”

[4] The DMRE raised four grounds of appeal. I propose dealing with each of these in turn.

[5] The first ground was in respect of the finding that the Mr. Mareva's GCC's results were valid and that he had fulfilled all the requirements. In this regard, it was argued that he had not fulfilled the practical requirements. These were referred to in the main case as the annexure E requirements. It is not in issue that Mr. Zondi, the decision maker insofar as the issue of the GCC is concerned, made clear that the only requirement that was outstanding was the academic requirement. Once this requirement was met, the GCC would be issued.

[6] In this regard, in paragraph [10] of the main judgment, I found:

¹ 10 of 2013.

"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)

- [7] This ground lacks merit and seems to me to have been raised as an afterthought as it was in the main case.
- [8] The second ground was that the *Plascon Evans* principle was not applied. Since it was common cause between the parties that Mr. Mareva had applied for and been accepted for the course. Although it was disputed when his application had been accepted, it was not placed in issue that he had in fact completed and passed the subjects that he was required to pass, and which were referred to in the letter of Mr. Zondi referred to above. The letter of Mr. Zondi conveying that Mr. Mareva had been accepted and need only have passed certain subjects before the GCC would be issued to him was common cause. It was on these common cause facts that the case was decided. This is consonant with the *Plascon Evans* principle. For this reason, I find that this ground of appeal also lacks merit.
- [9] The third ground was that the decision not to issue the certificate on 23 November 2017 was impermissibly substituted by the Court. This ground overlooks the fact that the decision of 23 November 2017, insofar as it was a valid decision, was superceded by the decision contained in the letter of Mr. Zondi dated 14 June 2019.
- [10] The fourth ground was that Mr. Mareva had an alternative remedy which was to start the process *de novo*. There is no merit to either this ground or the third ground. It was not disputed that the University had indicated that Mr. Mareva

could not and would not be re-admitted to re-take courses he had already taken and to re-write examinations that he had already passed. This situation created an impossibility of performance insofar as the decision of Mr. Zondi of 14 June 2019 was concerned. The only just and equitable remedy was for the order granted. For these reasons, the third and fourth grounds also lack merit.

- [11] The fifth ground was that the Court erred in ordering that the GCC be issued to Mr. Mareva with effect from 14 June 2019. This ground was predicated on the finding that Mr. Mareva had indeed been accepted to do the course on 5 October 2012 but had not as of 14 June 2019 complied with the requirements. This ground of appeal overlaps with the fourth ground of appeal. It was on 14 June 2019 that the impossibility of performance by Mr. Mareva arose. The decision not to issue to him the certificate in circumstances where the single requirement stipulated for its issue was objectively impossible, does not avail the DMRE. It is for this reason that this ground of appeal is meritless.
- [12] I have considered all the grounds upon which the application has been brought by the DMRE and the reasons given by me in the judgment for the order granted.
- [13] I have also considered, besides the grounds of appeal, the submissions made in both the heads of argument and in court, for the granting of leave to appeal on the part of the DMRE and those opposing the granting of leave to appeal on behalf of Mr. Mareva.
- [14] I am not persuaded that another court would come to a different conclusion or that there is some other compelling reason why leave to appeal should be granted.
- [15] The costs will follow the result.

[16] In the circumstances, I make the following order:

[16.1] The application for leave to appeal is dismissed with costs, which costs are to include the costs of counsel on scale C.


A MILLAR
JUDGE OF THE HIGH COURT
GAUTENG DIVISION, PRETORIA

HEARD ON:

23 OCTOBER 2025

JUDGMENT DELIVERED ON:

28 OCTOBER 2025

COUNSEL FOR THE 1ST & 2ND
APPLICANTS:

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