



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

Case No: 107704/2023

- (1) REPORTABLE: No
(2) OF INTEREST TO OTHER JUDGES: No
(3) REVISED:

10 DECEMBER 2025

SIGNATURE

DATE

In the matter between:

LETLHOGONOLO NOGE-TUNGAMIRAI

Applicant

and

**MINISTER OF COMMUNICATIONS AND DIGITAL
TECHNOLOGIES**

First Respondent

**THE DEPARTMENT OF COMMUNICATIONS AND
DIGITAL TECHNOLOGIES**

Second Respondent

POSTBANK (SOC) LIMITED

Third Respondent

This judgment is prepared and authored by the Judge whose name is reflected as such and is handed down electronically by circulation to the parties / their legal representatives by email and by uploading it to the electronic file of this matter on CaseLines. The date for handing down is deemed to be 10 December 2025.

JUDGMENT: LEAVE TO APPEAL

RETIEF J

INTRODUCTION

[1] The applicant seeks leave to appeal against the whole of the judgment and order, including costs, to the Full Court of this Division, alternatively to the Supreme Court of Appeal in respect of the order dated the 18 August 2025.

[2] Leave to appeal is sought in circumstances when the applicant was successful with her review relief but, in circumstances where the decision by the First Respondent [the Minister] although found to be unlawful for want of procedural fairness was, not set aside as reasoned in the judgment.

[3] Although this Court granted costs in the applicant's favour, save for the costs associated with the applicant's supplementary affidavit, the applicant now seeks punitive costs against the Minister. In consideration of what is before this Court on application, as a whole, it appears that the nub of the complaint is that the Court misdirected itself by not exercising its discretion judicially to allow the applicant's supplementary affidavit into evidence. The applicant by means of her supplementary affidavit introduced yet a further ground of review, the ulterior motive of the Minister. This of course is sought to bolster her claim for punitive costs and remedial re-instatement relief and not, for the fact that the Minister's decision was found to be unlawful. This is so as any other reason/s to be found that may substantiate yet a further reason why the Minister's decision still ought to be found unlawful, will not alter the fact that it has already been found unlawful and reviewable.

[4] However, if the Minister's decision is found not to be rational as reasoned, then the prospect of it being set aside and any consequences of remedial relief, if demonstrated, may flow.

[5] Therefore, and on that narrow basis, this Court grants the applicant leave to appeal to the Full Court of this Division regarding the issues to be determined regarding the outcomes of prayers 3 and 4 and *sequelae*, of the order dated the 18 August 2025.

[6] In so far as the costs of this application are concerned, the Minister nor the Second Respondent opposed the application and the Court considered the application on paper, in consequence no cost order should follow the result.

[7] The following order:

1. The Applicant is granted leave to appeal to the Full Court of this Division which is to determine whether the First Respondent's unlawful decision to remove the Applicant from the Board of the S.A. Postbank SOC Limited is to be set-aside, including the prospect of the Applicant's remedial relief claimed and costs.


L.A. RETIEF

Judge of the High Court
Gauteng Division

Appearances:

For the Applicant:

Adv Mashigo
Sandton Chambers

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Ref: KK/gen/CIV/24/LT1

Date of heads of argument:

20 November 2025

Date of judgment:

10 December 2025