



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: 20 July 2023

SIGNATURE:.....

Case No. B2150/2023

In the matter between:

**MEMBER OF THE EXECUTIVE COMMITTEE:
HEALTH - LIMPOPO PROVINCIAL
GOVERNMENT**

APPLICANT

And

**HEALTH PROFESSIONS COUNCIL OF
SOUTH AFRICA**

FIRST RESPONDENT

DR T PINKOANE N.O

SECOND RESPONDENT

Coram:

Millar J

Heard on: 20 July 2023

Delivered: 20 July 2023 - 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 10H30 on 20 July 2023.

Summary: Application for leave to appeal – No prospect another court would come to a different conclusion or compelling reason for the granting of leave - application dismissed with costs

ORDER

It is Ordered:

[1] The application for leave to appeal is dismissed with costs.

JUDGMENT

MILLAR J

[1] This is an application for leave to appeal the dismissal of an application to interdict the first respondent from holding an enquiry into the conduct of the present MEC for Health in the Limpopo Province – Dr. P Ramathuba. The judgment was handed down on handed down on 2 June 2023.

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

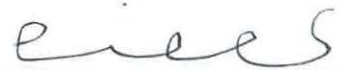
“Leave to appeal may only be given where the judge or judges concerned are of the opinion that –

- (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.”*

- [3] I have considered the grounds upon which this application for leave to appeal has been brought and the arguments advanced by the parties. I have also considered the reasons for dismissing the application on 2 June 2023 and am of the view that there is neither a reasonable prospect that another court would come to a different conclusion nor any other compelling reason or arguable point of law which merits the granting of leave to appeal.

- [4] In the circumstances, I make the following order:

[4.1] The application for leave to appeal is dismissed with costs.



A MILLAR
JUDGE OF THE HIGH COURT
GAUTENG DIVISION, PRETORIA

¹ Act 10 of 2013

HEARD ON: 20 JULY 2023
JUDGMENT DELIVERED ON: 20 JULY 2023

COUNSEL FOR THE APPLICANT: ADV. M RAMAILA SC
ADV. D MADIBA
INSTRUCTED BY: THE STATE ATTORNEY, PRETORIA
REFERENCE: 689/23/RA

COUNSEL FOR THE RESPONDENTS: ADV. J RAUTENBACH SC
INSTRUCTED BY: NKOPUDI MPH AHLELE INCORPORATED
REFERENCE: MPHAHELE/MUTHAMBI/00031