

## **WITS STUDENTS LEFT WITHOUT RELIEF AS INTERDICT APPLICATION DISMISSED**

The Gauteng Local Division of the High Court today dismissed an application of more than 25 students of the University of the Witwatersrand to interdict the University and restrict it from commencing its year-end examinations, and postponing examinations by at least two weeks. Their preparations had been curtailed, through no fault of their own, by recent #FeesMustFall protests on campus and the University's response to them.

Their attempts to engage with University management on the matter fell on deaf ears. Faced with the possibility of being forced to write exams that they would be likely to fail, the students approached the court for relief. SERI represented the students when the matter was heard earlier in the week on an urgent basis.

In his judgment, van Der Linde J acknowledged that the protests and the University's response to them "made for an atmosphere that was generally not conducive to learning, but particularly not to examination." SERI argued that the right to the provision of optimal opportunities for learning, guaranteed to university students by the Higher Education Act, had been infringed upon, and that they were entitled to the postponement of the exams.

The University opposed the application, whilst conceding that the students who had brought the case were suffering from anxiety and stress. The University contended that these students could be assisted through applying for the deferral of their exams. The students felt that this would be insufficient as it entailed them vacating their university accommodation until two days before the deferred examination, and losing their right to supplementary exams should they fail. At the time that the matter was argued, the University had agreed to relax the normal deferred examination rules. The issue before the court was as a result limited to the University's insistence that students living in residence were required to vacate their accommodation. The High Court dismissed the students' application.

The University also asked that the students be ordered to pay the costs of the application. The court rejected this request, however, finding that the students were asserting their constitutional rights.

While we respect the court's decision, the lack of any remedy is disheartening in light of the fact that neither the court nor the University contested the stress, anxiety and trauma which the students have experienced during this time, nor the fact that these present real restrictions on their abilities to adequately prepare for examinations.

According to SERI senior attorney, Thulani Nkosi, "Universities across the country should realise that securing the academic programme means more than just guarding property. They must also consider if the conditions are still conducive to learning. If universities fail to do this then they are failing students, especially those students who cannot hire private tutors or drive to their lecturer's homes to consult and access learning."

- Read the judgment [here](#).
- Read more about the case [here](#).

### **Contact**

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