

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


(X)

BEFORE THE HONOURABLE JUSTICE SARDIWALLA J ON 23 NOVEMBER 2021

The order is granted electronically in accordance with the Directives regarding special arrangements during the National State of Disaster.

CASE NUMBER: 40460/21

In the application of:-

DR. NABIELA RAGOOLOO AND 70
OTHERS

APPLICANTS

and

THE HEALTH PROFESSIONS
COUNCIL OF SOUTH AFRICA

1ST RESPONDENT

THE MEDICAL AND DENTAL
PROFESSIONAL BOARD

THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Private Bag X67, Pretoria 0001

2021 -11- 23

GD-PRET-009

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA



2ND RESPONDENT

PROF. MBULAHENI SIMON
NEMUTANDANI

3RD RESPONDENT

MS MELISSA DE GRAAFF

4TH RESPONDENT

PROF. SOLOMON TSHIMONG
RATAEMANE

5TH RESPONDENT

in re the matter between:

DR. NABIELA RAGOOLOO AND 108
OTHERS

APPLICANTS

and

THE HEALTH PROFESSIONS
COUNCIL OF SOUTH AFRICA

1ST RESPONDENT

THE MEDICAL AND DENTAL
PROFESSIONAL BOARD

THE MINISTER OF HEALTH

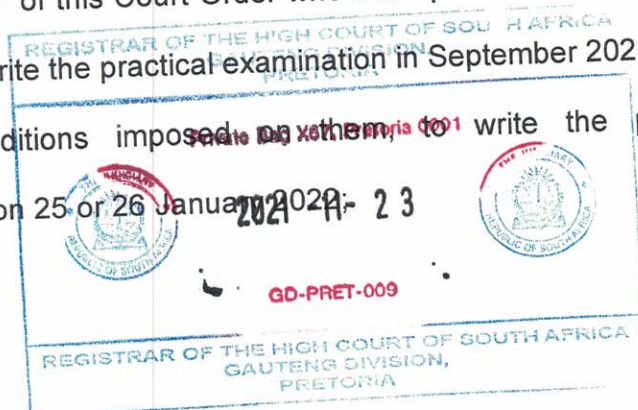
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA		2 ND RESPONDENT
Private Bag X67, Pretoria 0001		
	2021 -11- 23	
GD-PRET-009		3 RD RESPONDENT
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA		

This order is made an order of Court by the Judge whose name reflects herein, duly stamped by the Registrar of the Court and submitted electronically to the parties / their legal representatives by email. This order is further uploaded to the electronic file of this matter on CaseLines by the Judge or his/her secretary. The date of this order is deemed to be 23 November 2021.

 DRAFT COURT ORDER

HAVING read the documents filed and hearing counsel on behalf of the parties, the following order is made:

1. Subject to the approval of the above Honourable Court, to settle the dispute between them as follows:
 - 1.1. The First Respondent be ordered to invite 52 out of 70 Applicants as per **"Annexure A"** of this Court Order to write the theory examination to be held on 10 December 2021;
 - 1.2. The First Respondent be ordered to invite 5 Applicants as per **"Annexure B"** of this Court Order who have previously declined the invitation to write the practical examination in September 2021 due to adverse conditions imposed on them, to write the practical examination on 25 or 26 January 2022;

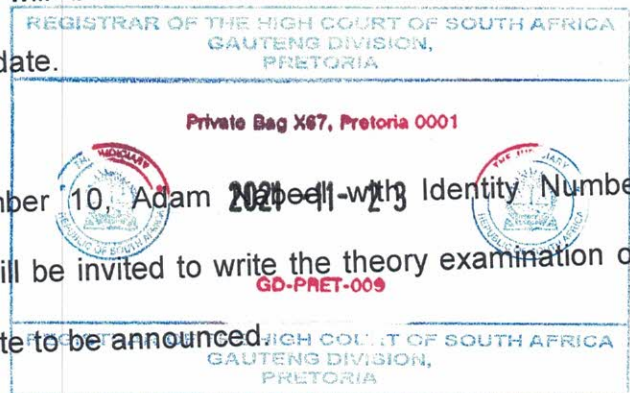


1.3. The First Respondent be ordered to deal with the 10 Applicants as per “Annexure C” of this Court Order as follows:

- (a) The First Respondent shall within 5 (five) days from the date of this Court Order provide to the Applicants’ Attorneys with a list of all outstanding documents required from the Applicants as per “Annexure C” of this Court Order as well as from the relevant universities.
- (b) Upon receipt of the documents, the documents will serve before the Task Team in its first meeting for the year 2022 provisionally set for January 2022; and
- (c) That upon receipt of a favourable outcome from the Task Team meeting, the Applicants as per “Annexure C” of this Court Order will be invited to the first available theory examination date.

1.4. That Applicant Number 10, Adam 2021-23 with Identity Number 910201 5231 08 2 will be invited to write the theory examination on the next available date to be announced.

1.5. That Applicant number 25, is Christine Theophilus Olavan with Identity Number 931116 0130 08 6 unconditionally withdraws her name from this Contempt Application.



2. Should the Respondents not comply with this Court Order, the Respondents shall be liable to pay the costs incurred to bring this Application up until to and including 23 November 2021, on a Party and Party scale, to be taxed or agreed, which costs shall include the costs of two counsel inclusive of preparation, jointly and severally the one paying the other to be absolved.
3. Should the First Respondent fail to comply with the Order under paragraph 1 above, the Applicants are hereby granted leave to amplify the Application, if required to set the matter down on the unopposed roll, in order to bring the contents of this Court Order to the court's attention.
4. The Applicant is authorised to set the matter down on the unopposed roll.



BY ORDER

REGISTRAR



ANNEXURE A: INVITED APPLICANTS TO WRITE ON 10 DECEMBER 2021

	Surname	Name	Gender	Medical University Attended	Date of Birth	Age	Physical address	Decision
1.	Abdul Rahman [9305220154086]	Farah	F	Hebei North University - China	93/05/22	28	49 Ward Road, Overport, Durban Province: Kwa-Zulu Natal Code:4091	Received invitation to write the 10 December board examinations.
2.	Adam [9606305176088]	Ra'ees Suhail	M	Hebei North University - China	96/06/30	25	29 Maharaj Road Raisethorpe, Pietermaritzburg Province: Kwa-Zulu Natal Code: 3201	Received invitation to write the 10 December board examinations.
3.	Moodley [9312010200087]	Geraldine	F	Anhui Medical University - China	93/12/01	28	4 Van Der Wagen Drive, Townview, Stanger. Province: KwaZulu Natal Code: 4450	Received invitation to write the 10 December board examinations.
4.	Akoodie [9306075055089]	Naadir	M	Shandong University Cheelo College of Medicine - China	93/06/07	28	32 Banbury Road, Melville. Province: Gauteng Code:2092	Received invitation to write the 10 December board examinations.
5.	Ali [9212095028082]	Mohammed Nadeem		Hebei Medical University	92/12/09	29	47 Nelson Road Essenwood, Durban Province: KwaZulu Natal Code:4091	Received invitation to write the 10 December board examinations.

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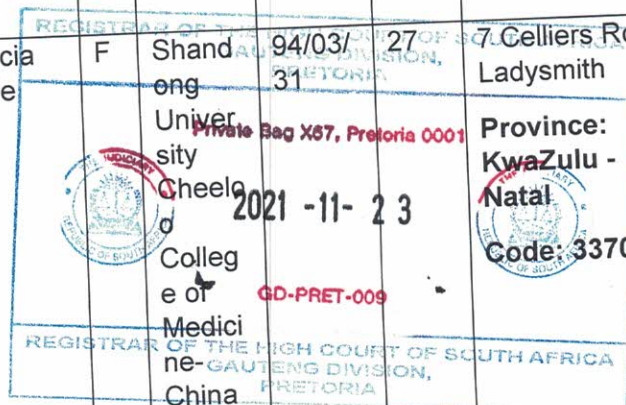
GO-PRET-009

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
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PRETORIA

				Univer sity			Province: KwaZulu Natal Code: 4001	
6.	Arwin Bhoola [9410150152 082]	Sangeet a	F	Shand ong Univer sity, Cheelo o Colleg e of Medici ne China	94/10/ 15	27	4 Lakhoo Street, Ermelo, Province: Mpumalanga Code: 2350	Received invitation to write the 10 December board examinations.
7.	Bismilla [9410080019 088]	Zeenat	F	Shand ong Univer sity Cheelo o Colleg e of Medici ne- China	94/10/ 08	27	1 Hawarden Road, Evans Park Johannesburg S outh Province: Gauteng Code: 2091	Received invitation to write the 10 December board examinations.
8.	Bobat [9010015082 084]	As'ad Mohame d	M	Shand ong Univer sity - Cheelo o Colleg e of Medici ne	90/10/ 01	31	20 Grasvlei Crescent, Jim Fouche Park, Welkom Province: Free State Code: 9459 2021-11-23 GD-PRET-009	Received invitation to write the 10 December board examinations.
9.	Cassimjee [9003125395 082]	Nadeem	M	Hebei North Univer sity Countr y: China	90/03/ 12	31	549 Bulwer Street Pietermaritzbur g Province :Kwa- Zulu Natal Code: 3201	Received invitation to write the 10 December board examinations.

10.	Chetty [9602195213 081]	Kyle Keyolan	M	Hebei North Univer sity- China	96/02/ 19	25	50 Executive Drive, Orient Heights, PMB Province: Kwa-Zulu Natal Code: 3201	Received invitation to write the 10 December board examinations.
11.	Dadabhay [9505230239 088]	Ameera	F	Shand ong Univer sity Cheelo o Colleg e of Medici ne- China	95/05/ 23	26	20 Pilodia Ave, Eastdene, Middelburg Province: Mpumalanga Code: 1050	Received invitation to write the 10 December board examinations.
12.	Dayanand [9602275242 083]	Vishkir Kailash		Hebei North Univer sity- China	96/02/ 27	25	9 Sunset Crescent, Dunveria Pietermaritzbur g, Province: KwaZulu Natal Code: 3201 2021 -11- 2 3	Received invitation to write the 10 December board examinations.
13.	Dlamini [9303100511 087]	Johanna Nandiph a	f	Wenzh ou Medica l Univer sity- China	93/03/ 10	28.	2 D Green Trees, 80 Adrian Road, Morningside, Durban. Province: KwaZulu Natal Code: 4001	Received invitation to write the 10 December board examinations.
14.	Essop [9502140102 084]	Imaan	F	Shand ong Univer sity Cheelo o	95/02/ 14	26	6 Primrose Drive, Victory Park. Johannesburg	Received invitation to write the 10 December board examinations.

				Colleg e of Medici ne- China			Province: Gauteng Code:2092	
15.	Gopaul [9605305478 080]	Joshua Stephen	M	Hebei North Univer sity – Countr y: China	96/05/ 30	24	24 Strathay Road Westville, Durban Province Kwa- Zulu Natal Code: 3629	Received invitation to write the 10 December board examinations.
16.	Govender [9506295146 085]	Clinton	M	Anna Medica l Colleg e - Mauriti us	95/06/ 29	26	4 Hawaii Place, Treasure Beach, Merewent, Durban Province: Kwa- Zulu Natal Code: 4052	Received invitation to write the 10 December board examinations.
17.	Indarjee [9311240161 085]	Sheetal Vinash	F	Wenzh ou Medica l Univer sity- China	93/11/ 24	28	14 Euphorbia Street, Malabar, Port Elizabeth Province: Eastern Cape Code: 6020	Received invitation to write the 10 December board examinations.
18.	Iyer [9403310161 085]	Leticia Jade	F	Shand ong Univer sity Cheelo d Colleg e of Medici ne- China	94/03/ 31	27	7 Celliers Road, Ladysmith Province: KwaZulu - Natal Code: 3370	Received invitation to write the 10 December board examinations.
19.	Jacobs [9405055137 089]	Muham mad	M	Shand ong Univer sity - Cheelo	94/05/ 05	27	430 Diepkloof Street, Christoburg, Ce nturion	Received invitation to write the 10 December board examinations.



				o Colleg e of Medici ne- China			Province: Gauteng Code:2091	
20.	Jones [9504295054 086]	Zahir Mahom med	M	Shand ong Univer sity Cheelo o Colleg e of Medici ne- China	95/04/ 29	26	171 Carlton Towers, 80 Somsteu Road, Durban, North Beach. Province: Kwa- Zulu Natal Code: 4001	Received invitation to write the 10 December board examinations.
21.	Maharaj [9505155206 088]	Kalvin Ashvir	M	Hebei North Univer sity - China	95/ 05/15	26	23 Ricky's Terrace, Darjeeling heights, Pietermaritzbur g, Province: Kwa- Zulu Natal Code: 3201	Received invitation to write the 10 December board examinations.
22.	Mahdoo [9605225152 088]	Aman Shankar	M	Univer sity: Shand ong Univer sity Cheelo o Colleg e of Medici ne- China	96/05/ 22	25	37 Chiltern Road, Shallcross, Durban Province: Kwa- Zulu Natal Code:4091	Received invitation to write the 10 December board examinations.
23.	Mahomed [9401315255 084]	Anees Ahmed	M	Shand ong Univer sity Cheelo o Colleg	94/01/ 31	27	14th Avenue, Mayfair, Johannesburg Province: Gauteng Code:2091	Received invitation to write the 10 December board examinations.

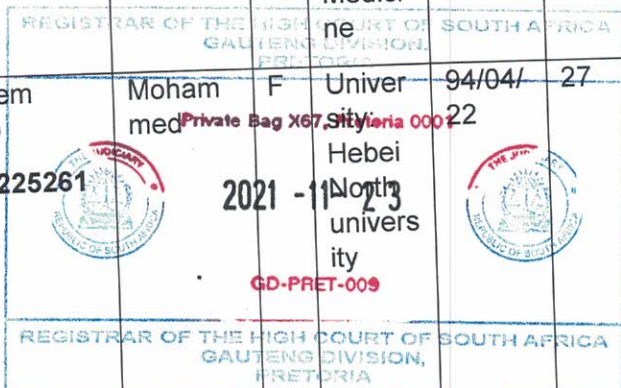
				e of Medici ne- China				
24.	Mahomed [9108305427 082]	Mahomed Shiraz	M	Hebei North Univer sity – China	91/08/ 30	30	222 Park Avenue, 5 Alexandra Road Scottsville , Pietermaritzbur g Province: KwaZulu- Natal Code: 3201	Received invitation to write the 10 December board examinations.
25.	Maistry [9210120246 083]	Shanice Sasha Lee	F	Hebei North Univer sity Countr y: China	92/10/ 12	29	564 Regina Road Bombay Heights Pietermaritzbur g Province: Kwa- Zulu Natal Code:3201	Received invitation to write the 10 December board examinations.
26.	Majam [9602220034 080]	Mehmoo na	F	Shand ong Univer sity Cheelo o Colleg e of Medici ne	96/02/ 22	25	2303 Mangrove Beach Center, 91 Somsteu Road, North Beach, Durban, Province: KwaZulu Natal Code: 4001	Received invitation to write the 10 December board examinations.
27.	Manilall [9203220067 087]	Koyal	F	Hebei North univers China 2021-11-23 GD-PRET-009	92/03/ 22	29	11 Malcolm Welfare Crescent, Westbrook Province: Kwa- Zulu Natal Code: 4399	Received invitation to write the 10 December board examinations.
28.	Naidoo [9504250229 087]	Kimeshn e	F	Hebei North Univer sity – China	95/04/ 25	26	25 Second Avenue, Marlands, Germiston	Received invitation to write the 10 December board examinations.

							Province: Gauteng Code: 1401	
29.	Naidoo [9610135254081]	Ryolan	M	Hebei North University – China	96/10/13	25	Flat J, Door 33, Mahatma Gandhi Crescent Belvedere, Tongaat Province: Kwa-Zulu Natal Code: 4399	Received invitation to write the 10 December board examinations.
30.	Naidoo [9507170253087]	Selisha	F	Anna Medica l Colleg e - Mauritius	95/07/17	26	28 Smith Avenue, Edenglen, Edenvale Province: Gauteng Code: 1609	Received invitation to write the 10 December board examinations.
31.	Naidoo [9309085179089]	Tyrone	M	Anhui Medical University- China	93/08/09	28	29 Sheridan, Havenside, Chatsworth Province: Kwa-Zulu Natal Code: 4092	Received invitation to write the 10 December board examinations.
32.	Nundlal [9409010445082]	Vounal	F	Hebei North University - China	94/09/01.	27	7 Winton Crescent, Westville Province: Kwa-Zulu Natal Code: 3629	Received invitation to write the 10 December board examinations.
33.	Ooni [9509120183083]	Tasneem	F	Shandong University of Medicine - China	95/09/12	26	14 Statice Street, Extension 3, Lenasia, Johannesburg. Province: Gauteng Code: 1827	Received invitation to write the 10 December board examinations.

	[9412245140 080]			Univer sity- China			81 Winchester Drive, Reservoir Hills, Durban Province: Kwa- Zulu Natal Code: 4001	
39.	Reewith [9512290203 087]	Shaelee n	F	Hebei North Univer sity – China	95/12/ 29	26	179 Newholme Way, Northdale, Pietermaritzbur g, Province: KwaZulu Natal Code 3201	Received invitation to write the 10 December board examinations.
40.	Reynolds [9202250249 086]	Mallory	F	Shand ong Univer sity Cheelo o - Colleg e of Medici ne- China	92/02/ 25	30	19 Edward Street, Westdene, Benoni Province: Gauteng Code:2091	Received invitation to write the 10 December board examinations.
41.	Sadaw [9201105117 084]	Shainal	M	Hebei North Univer sity – China	92/01/ 10	30	31 Fouche Street; Dundee; Province: KwaZulu Natal Code:3000	Received invitation to write the 10 December board examinations.
42.	Salig [9008245274 083]	Sharad	M	Hebei North Univer sity- China	90/08/ 24	30	83 Mount Batten Drive, Reservoir Hills, Durban Province: Kwa- Zulu Natal Code:4091	Received invitation to write the 10 December board examinations.
43.	Sarugaser [9608091301 086]	Vardhani	F	Hebei North Univer	96/08/ 09	25	3 Litchie Crescent. Verulam, Durban.	Received invitation to write the 10 December board examinations.

				sity – China			Province: KwaZulu Natal Code: 4340	
44.	Shah [9605060330 088]	Nazleen		Hebei North Univer sity	96/05/ 06	25	64 Glen Road, Montclair, Durban Province: Kwa- Zulu Natal Code:4004	Received invitation to write the 10 December board examinations.
45.	Shah [950525 0318 085]	Noorjeh an		Hebei North Univer sity - Countr y: China	95/05/ 25	24	46 Capricorn Street Orient Heights Pietermaritzbur g. Kwa-Zulu Natal Province Code:3201	Received invitation to write the 10 December board examinations.
46.	Siddique [9409255103 082]	Shahruk h	M	Anhui Medica l Univer sity Countr y: China	94/09/ 25	27	488 Lena Ahrens Road, Glenwood, Durban Province: Kwa- Zulu Natal Code:4091	Received invitation to write the 10 December board examinations.
47.	Sivnarain [9605120089 088]	Alicia	F	Hebei North Univer sity Countr y: China	96/05/ 12	25	129 Sinkhood Road Orient Heights Pietermaritzbur g Province: Kwa- Zulu Natal Code: 3201	Received invitation to write the 10 December board examinations.

48.	Strydom [9103160060 086]	Lerise		Anhui Medica l Univer sity- China	91/03/ 16	30	92 Thaba Nchu Street, Glenvista, Johannesburg Province: Gauteng Code:2058	Received invitation to write the 10 December board examinations.
49.	Unice [9408040082 089]	Talia	F	Shand ong Univer sity Cheelo o Colleg e of Medici ne- China	94/08/ 04	27	36 Clovelly Road, Greenside, Johannesburg. Province: Gauteng Code: 2193	Received invitation to write the 10 December board examinations.
50.	Vahed [9306015225 081]	Waseem	M	Shand ong Univer sity Cheelo o Colleg e of Medici ne	93/06/ 01	28	58 Zinnia Street, Ext. 3, Lenasia Johannesburg. Province: Gauteng Code: 1602	Received invitation to write the 10 December board examinations.
51.	Waseem Essop [9404225261 085]	Moham med	F	Univer sity Hebei North univers ity	94/04/ 22	27	217 Ohtmaan road, mountain rise, Pietermaritzbur g. Province: KwaZulu Natal Code:3201	Received invitation to write the 10 December board examinations.
52.	Yagambaram [9605100221 081]	Priyanka Justine	F	Anna Medica l Colleg e –	96/05/ 10	25	15 Pipit Place, Birdswood, Richards Bay	Received invitation to write the 10 December board examinations.



				Mauriti us			Province: Kwa- Zulu Natal Code:3900	
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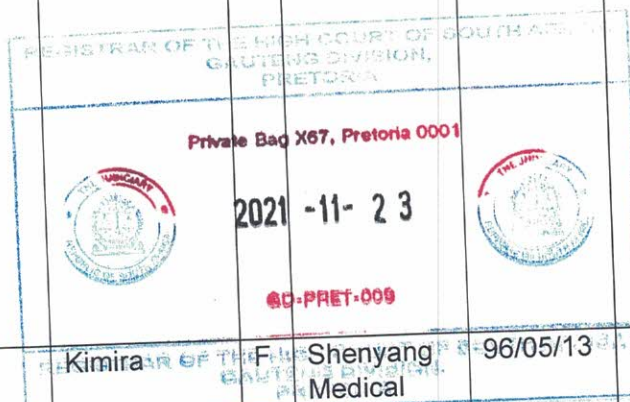
ANNEXURE B: APPLICANTS TO BE INVITED TO WRITE ON 25 OR 26 JANUARY 2021

	Surname	Name	G	Medical University Attended	Date of Birth	Age	Physical address	Decision
1.	Dlamini [9110235225081]	Sibusiso Nhlonipho	M	Anhui Medical University- China	91/10/23	29	Mashobeni Road, BB632, Umlazi, Durban Province Kwa-Zulu Natal Code:4066	To be invited for the practical examination to take place on 25 or 25 January 2022.
2.	Hudson [9108075107088]	Bradley James	M	Anhui Medical University- China	91/08/07	30	25A 8th Street, Linden, Johannesburg, Code:2195 Gauteng Province	To be invited for the practical examination to take place on 25 or 25 January 2022.
3.	Naidoo [9408050102082]	Nadine	F	Anhui medical University - China <i>Private Bag X67, Pretoria 0001</i>	94/08/05	27	House 95, Road 710, Chatsworth Province: Kwa-Zulu Natal Code: 4092	To be invited for the practical examination to take place on 25 or 25 January 2022.
4.	Naidoo [9308035246089]	Kamdon	M	Anhui Medical University- China <i>GD-PRET-009</i>	93/08/03	28	41 Ponsford Crescent, Escombe, Queensburgh, Province: Kwa-Zulu Natal Code: 4093	To be invited for the practical examination to take place on 25 or 25 January 2022.
5.	Thabethe [9303195429088]	Mxolisi	M	Anhui Medical University- China	93/03/19	28	BB571, Umlazi Township Durban Province: Kwa-Zulu Natal Code:4066	To be invited for the practical examination to take place on 25 or 25 January 2022.

ANNEXURE C: APPLICANTS AWAITING CONFIRMATION

	Surname	Name	G	Medical University Attended	Date of Birth	Age	Physical address	Decision
1.	Chetty [900104 0215088]	Sarvashni		Texila American University - Guyana.	90/01/04	30	79 Weycroft Avenue, Longcroft, Phoenix, Durban, Province: Kwa-Zulu Natal. Code:4068	Awaiting documents from the university and/or from the applicant. To be considered in the next task team meeting. Invitation will be issued if task team gives a positive feedback.
2.	Ellahi [9402206111089]	Muhammed Nabeel	M	Xi'an Jiaotong University- China	94/02/20	27	16 Coucal Street, Mackensie Park, Benoni, Johannesburg Province: Gauteng Code: 1501	Awaiting documents from the university and/or from the applicant. To be considered in the next task team meeting. Invitation will be issued if task team gives a positive feedback.
3.	Kubheka [9505235703088]	Bongani Trinity	M	Chongqing Medical University	95/05/23	26	No. 56 Kameelperd Street, Amajuba Park, Newcastle Province: Kwa-Zulu Natal	Awaiting documents from the university and/or from the applicant. To be considered in the next task team meeting.

							Code: 2940	Invitation will be issued if task team gives a positive feedback.
4.	Osman Kadwa [8911090380080]	Yasmin	F	Shenyang Medical College – Country: China	89/11/09	31	114 Rosetta Road Morningside, Durban Province Kwa-Zulu Natal Code:4091	Awaiting documents from the university and/or from the applicant. To be considered in the next task team meeting. Invitation will be issued if task team gives a positive feedback.
5.	Rampath [9407235070081]	Yashaar	M	Capital Medical University- China	94/07/23	27	13a Dolweni Ave, Boskruin, Randburg, Johannesburg. Province: Gauteng Code: 2194	Awaiting documents from the university and/or from the applicant. To be considered in the next task team meeting. Invitation will be issued if task team gives a positive feedback.
6.	Rugnath [9605130221085]	Kimira	F	Shenyang Medical College - China	96/05/13	25	9 Ronan Road , La Lucia, Durban Province: Kwa-Zulu Natal Code: 4051	Awaiting documents from the university and/or from the applicant. To be considered in the next task team meeting.



								Invitation will be issued if task team gives a positive feedback.
7.	Singh [9511305164086]	Avishkar	M	Shenyang Medical College—China	95/11/30	26	41 Radiyat Road, Stanger Heights, Stanger. Province: KwaZulu Natal Code: 4450	Awaiting documents from the university and/or from the applicant. To be considered in the next task team meeting. Invitation will be issued if task team gives a positive feedback.
8.	Strauss [8103270187085]	Igme	F	University of Medicine and Pharmacy Grigore T Popa Country: Romania	81/03/27	40	Aquilasingel 7, Randsig De Aar Province: Northern Cape Code: 7000	Awaiting documents from the university and/or from the applicant. To be considered in the next task team meeting. Invitation will be issued if task team gives a positive feedback.
9.	Tayob [9209145063085]	Rameez	M	Capital Medical University—China	92/09/14	29	67 Carnie Rd, Rylands Estate, Athlone, Cape Town, Province: Western Cape Code: 7764	Awaiting documents from the university and/or from the applicant. To be considered in the next task team meeting.

								Invitation will be issued if task team gives a positive feedback.
10.	Tekere [7204126083188]	Nezbert	M	Vinnitsa National Pirogov Memorial Medical University, Vinnitsya (VMNU)-Ukraine	72/04/12	49	13844 Bramfisher, Phase 2, Dobsonville, Johannesburg Province: Gauteng Code: 1836	Awaiting documents from the university and/or from the applicant. To be considered in the next task team meeting. Invitation will be issued if task team gives a positive feedback.

