

**AD HOC COMMITTEE ESTABLISHED BY THE NORTH WEST PROVINCIAL LEGISLATURE TO  
INQUIRE INTO THE AUTHENTICITY OF THE ALLEGATIONS MADE BY THE MAYOR OF  
NALEDI LOCAL MUNICIPALITY**

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**INDEX: MR THABO APPOLUS' AFFIDAVIT**

**WITNESS BUNDLE No.4: "WB4"**

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**AFFIDAVIT IN RESPONSE  
TO ALLEGATIONS LEVELED AGAINST ME AND OTHERS.**

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I the undersigned:

**THABO APPOLUS**

Do hereby swear under oath and state that:

- 1.1. I am an adult male erstwhile Director of Corporate Service of the First Applicant. I am currently unemployed. My chosen address for purposes of service is that of my attorneys of record.
  
- 1.2. The contents of this affidavit fall within my own personal knowledge, unless explicitly stated to the contrary, and are to the best of my knowledge and belief both true and correct.
  
- 1.3. Mr Sejake's affidavit has mushroomed following the allegations made by the Mayor in a public platform before the parliamentary portfolio committee. The allegations of the Mayor and those of Mr Sejake are in sharp contradiction as shall be demonstrated in this affidavit.

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1.4. I am responding to the allegations as a matter of abundant caution. I shall endeavor as much as possible to deal with my whats app message(s) which my accusers have decided to interpret and cast aspersions on me and the premier of North-West Province.<sup>1</sup>

#### **FACTUAL MATRIX AND PRELIMINARY ISSUES.**

2. The Ad Hoc committee was established following the humiliation of the Mayor's legal team at the Supreme Court of Appeal. What they believed to be an unimpregnable appeal turned out to be a still born, ill-fated and hopeless appeal which could not be salvaged by emotions and desperate measures now being taken for self-preservation.
3. In alternative, as Mr Segapo often bragged of being a chess master and having a lot of aces up his sleeve, the appeal process was clearly meant to be a dilatory stratagem. The appeal before the SCA was lodged with the intention of delaying the process and rendering

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<sup>1</sup> it therefore follows that I shall not entertain such allegations by Mr Groep per paragraph 11 of his affidavit that: -

*The matter under case number UM53/2023 was recently argued in the Supreme Court of Appeal ("the SCA"). Similarly, the case pleaded and presented on behalf of the applicants by their counsel is also relevant in the construction (or the formulation) of the allegations levelled against the Premier and Mr Appolus.*

are unfortunate and have no place in this committee. The matter is res judicata.

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the appeal moot. However, the Appellants got the rude awakening when my Attorneys' plea for a preferential date which was requested in accordance with the SCA Rules and the request was heeded by the Honorable President of the SCA who was gracious enough to allocate this matter a hearing date on the 21<sup>st</sup> of August 2025.

4. After the hearing of the Appeal by the SCA on the 21<sup>st</sup> of August 2025, the Appellants (namely: the Mayor; the Speaker and Mr Segapo) acknowledged that odds as we awaited judgment. This period coincided with the Parliamentary Portfolio Committee seeking accountability from Municipality.
5. As a desperate measure to evade accountability before the Portfolio Committee, the Mayor made explosive, extremely defamatory and yet baseless and unsubstantiated allegations which were based on hearsay, conjecture and speculation. It does not come as a surprise that his attempts to open a criminal case has been met with a *nolle prosequi* thus, leaving this committee as the only avenue to achieve the politically skewed goals.
6. In the face of Mr Groep's allegations characterized by hearsay and speculatory evidence and allegations that the matter was pending before the SCA, the Parliamentary Portfolio Committee unflinchingly triggered the appointment of this Ad Hoc committee which I submit

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is illegitimate and, in all probability, constituted for an ulterior motive which I shall deal with infra (Thanks to my informant; Mr Sejake).

7. The Ad Hoc Committee appears to be sitting as a special appeal court to evaluate the evidence which served before the High Court and the Supreme Court of Appeal as well as the judgments thereof. It is exactly for this reason that I contend that the AdHoc committee lacks legitimacy.<sup>2</sup>
8. To the extent that Mr Sejake's affidavit which is the pillar of the allegations levelled against me was filed in the Northwest High Court in respect of an application for leave to appeal and at the SCA after the hearing whilst parties were waiting judgement, I hasten to state that the court duly considered the said affidavit and granted leave to appeal to the Supreme Court of Appeal. I annex hereto a copy of the order dated the 14<sup>th</sup> of October 2025 as Annexure "HH 1."
9. The same affidavit as accompanied by a letter from the Mayor's Attorneys of record which was also filed and served at the Supreme Court of Appeal on the 18<sup>th</sup> day of September 2025. I must also hasten to state that on the 14<sup>th</sup> of November 2025, the Supreme Court of Appeal has handed down an adverse judgment against the trio (Mr Groep, Mr Segapo and Mr P Gulane) which dismissed the appeal and determined the lapsing of their so-called and non-existent Sec

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<sup>2</sup> see paragraph 31 – 32 of Mr Groep's affidavit filed before this commission.

18 (4) Appeal which they were hiding behind. I annex hereto a copy of the Judgment as Annexure "**HH 2.**"

10. It therefore follows that the allegations made by Mr Sejake and Mr Groep, in whatever shape or form, are either *res judicata* in respect of the SCA judgment and *Lis Pendens lite* in respect of the pending appeal for contempt.

11. I therefore do not fathom the legitimacy of the Ad hoc committee and the legal effect of its future findings. If Mr Groep and cabal believe that the Judgment(s) are a product of fraud (which remains unproven) they have remedies available in law which remedies can only be obtained through a court process and not an ad hoc committee.

12. Despite the judgments that myself and the other applicants obtained against Mr Segapo and his counterparts at our own cost together were/ and are still being trampled upon by the Municipality due to political interests and economic self-aggrandizement, no one bothered to establish an ad hoc committee to investigate. When the judgment of the Supreme Court was looming and the Groep camp was certain of losing, suddenly an ad hoc committee is established to investigate my What's App message which I am happy to explain and bring this enquiry to rest.

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18

**MY MEETING WITH MR SEJAKE, MR MOKGOSI, MS DOREEN MARIRI AND MR AOBAKWE MATHONSI.**

13. During the month of March 2023, other Applicants (who are all Councilors of the ANC) and I launched an application challenging the appointment of Mr Segapo as the Municipal Manager.

14. It is common cause that on the 24<sup>th</sup> of March 2023, the application was struck off from the roll. The matter was struck off the roll for want of urgency. The main contention by the Appellants was that our application was premature as the MEC had not yet exercised his statutory role in terms of the Act and the Regulations.

15. They stated to the court that they had submitted the report on the recruitment process to the MEC on the same day as the hearing of the urgent application and were in possession of a copy thereof. They unsuccessfully attempted to hand in the copy of the report from the bar.

16. They further contended that the MEC still had 14 days within which to grant or refuse concurrence. For this reason, the court deemed the application premature and struck it off from the roll for want of urgency. I need not attach a copy of the order herein for brevity. A lot of people were in court on this day including Ms Mariri and Mr Mathonsi. This matter was of public interest from its inception.

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17. My attorneys of record under our instructions prepared an extra bundle which was served on the Ministers of COGTA. In accordance with procedure and as submitted by Mr Segapo's legal team, the Mayor had submitted the Council's recruitment report to the office of the MEC before the hearing of the 24<sup>th</sup> of March 2023. These facts were further pleaded in the Appellants' supplementary answering affidavit in the court aquo.

18. We waited for the MEC to make his decision in respect of the Council's recruitment report which had been submitted to him by the Mayor. As we waited, it is around that time that Mr Segapo sought to suspend Mr Sejake. Mr Sejake's wife was my personal assistant. Both had played a pivotal role in providing me with information pertaining to the recruitment process and the evidence of nepotism which I did not have access to as I was considered hostile and excluded from the recruitment process.

19. Mr Sejake was not happy that he was about to be suspended by the Municipal Manager. His impatience on the finalization of my application grew. It was around the beginning of April 2023 that he called me and requested to come and visit me at my place of residence in Ganyesa. He indicated that he was going to be accompanied by his friends and colleagues namely (Mr Mokgosi, Ms Doreen Mariri And Mr Aobakwe Mathonsi). As I have already averred

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supra, Ms Mariri and Mr Mathonsi were present in court on the 24<sup>th</sup> of march 2023 and were in support of my application.

20. On the other hand, Mr Mokgosi was the Chief Whip of Provincial legislature and Head of the ANC deployment Committee. The ANC deployment Committee had already not supported the appointment of Mr Segapo. This decision was successfully defied by the Mayor and the Speaker. I agreed to meet Mr Sejake and his counterparts. The visit was thus not unusual as this man was my informant even at a time Mr Segapo enlisted bouncers at the gate who denied me entry to the workplace. It is Mr Sejake and his wife who remained my eyes and ears and kept me informed and provided me with the information I needed from the municipality.

21. When they arrived, Mr Sejake had an envelope with documents which he believes would assist in the case. Mr Sejake was in possession of a letter which had allegedly dropped at the Municipality. According to him, no officials of the Municipality had had sight to the copy of the letter which came of an anonymous whistle blower. He gave me a copy which now in a bad state and has a small font and I retype it below as verbatim: -

To: *whom of may concern; naledi local municipality; scopa, saps.*

From: *a concerned citizen and employee of local naledi municipality*

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Date: 28 March 2023.

Subject: Recent unlawful appointment of Segapo as Municipal Manager at Naledi and the corrupt Politicians protecting him.

I write this letter to raise my concern with the ANC that appointing Segapo again as Municipal Manager at Naledi is the biggest mistake ever. This will confirm our suspicions as citizens and members of the community that ANC protects corrupt, fraudulent and unqualified people to occupy positions of power and offices of trust under the guise of cadre deployment.

Segapo for one does not hold any relevant qualifications to occupy the position of a Municipal Manager anywhere in South Africa even before. We kept quiet before but not now anymore.

The man has only matric which is the only qualification verified in the recruitment process. Although Disco claims to have a B iuris degree, the academic record reflects only 14 modules. How can this qualification be considered to an equivalent to LLB?

We all know that Sometimes in the years 2012/2013 Segapo and other senior managers of the Municipality were to enrol for Supply Chain Management courses at Wits Business School as per national treasury directives. We also

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know that the basic enrolment requirements for the course was a diploma, which Segapo did not possess, and exceptions were made for him to enrol simply because he had already been appointed as the Municipal Manager (thanks to cadre deployment). This was the first dark cover up for the qualifications which he does not possess.

In about August 2014 when responding to questions pertaining to his qualifications, Modisenyana lied that he has a Bachelor's degree which he said he was attaching to his reply. Unfortunately, the mysterious Bachelor's degree was never attached. Now in T'bos's application, Disco is now said to have a B uris degree. Once again no proof was attached to his papers. This man once claimed to have an MBA, check the records This was surely wishful thinking.

This man has no qualifications and is being appointed to advance corrupt ANC officials' agenda at the expense of the community. This my question especially to the mayor, 'lo tshameketse mo bathong nako e telele Ka go hira motho a sena di pampiri'.<sup>3</sup>

Disco has been bragging that he has people in the office of the MEC who will make sure that he is appointed without qualifying for the position. We are aware that this thing of waiting for MEC office to get report and wara wara is

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<sup>3</sup> corroborated by Mr Sejake's affidavit per paragraph 15.2 – 15.4.

just a procedure whatever agreement will be given for the appointment of a man who only hold a matric.

The mayor, the speaker and the counsellors are all on Disco's payroll. The resisted the decision of the ANC deployment committee which refused to support the appointment of Disco. We are going to bring our own application which can be heard together with or after the one T'bos brought. For this reason T'bos application is a smoke screen and may be intended to fool us. How does the office of the MEC not see that this man has no qualifications even to be a receptionist.

Secondly, why will the ANC consider appointing a fraudulent and corrupt candidate? In 2012 and counting Segapo gave a land worth R100 000 to Dustymoon Developers for the development of a mall in Vryburg. This money was never paid to the municipality, yet the transfer of land was made from the municipality to Dustymoon according to Council Resolution 63 of 2012. you can look up for the details for yourself.

Investigations were conducted with respect to all allegations of fraud, corruption and nepotism against Segapo. It is interesting that the recommendations by investigators that the Municipality should open the case with SAPS and the HAWKS has vanished into thin air in abrakadabra fashion.

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I am writing this for your consideration and hopefully the ANC will do the right thing. For now I remain anonymous and I urge you to keep my communications anonymous. This will help you to unmask the corrupt officials at Naledi and some in the office of the MEC working with Disco to cover up his lack of qualifications and corruption.

I have attached a few supporting documents. I will bring more supporting documents at an appropriate time. I am challenging the Deployment committee to do the needful the community's hope in ANC is vanishing slowly. How can the mayor and the speaker ignore the ANC like that and nothing happens.

Yours Truly,

Anonymous

The end

**From: Anonymous**

Disclaimer; Kindly keep the communication strictly confidential until the delivery of further information then I shall come as a witness before any platform.

22. The letter was accompanied by a biuris degree certificate and an academic record with 14 modules. I annex hereto the complete document as Annexure "HH 3."

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23. I am not aware if the letter was submitted to SCOPA and SAPS who are also mentioned as the addressees. The circumstances under which Mr Sejake obtained the said letter remain unknown and of no interest to me.

24. We all discussed whether Mr Segapo indeed had the requisite qualifications for him to hold this position and if not, how I could supplement my papers to include this crucial information. I indeed called someone to enquire on the status of a Biuris. I was informed that it is not an equivalent of LLB. This is the reason why most Judges and senior practitioners upgraded their qualifications to LLB by studying additional modules.

25. I sought legal advice on whether the letter given to me by Mr Sejake could be of any use. I was advised that this was information from the streets. We did not know if these qualifications were authentic or if they are the ones used in the recruitment process. The evidence would thus be inadmissible. I was advised that my averments pertaining to the qualifications of Mr Segapo as contained in my founding papers was sufficient.<sup>4</sup>

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<sup>4</sup> This was an issue alive before the court as corroborated by the Affidavit of Mr Groep per paragraph 13.2. of his affidavit which reads as follows: -

*[13] The thrust of the applicants' case against the first to sixth respondents are predicated on the following grounds that:*

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26. Mr Sejake' visit had only resulted in me getting moral support. Mr. Mokgosi commended and my courage and encouraged me to fight on. By word of mouth, he showed me great support for my cause, and I was motivated by a man whom I did not know would later become the Premier. We bid each other farewell and the four left my place. I am not aware of the so-called draft report which Mr Sejake claims was in possession of Mr Mokgosi and I challenge him to produce the same.<sup>5</sup> The other applicants and I did not care whether the MEC granted concurrence or not. The irregularities which we complained of which the SCA has upheld resided outside of refusal to grant concurrence by the MEC. The decision of the MEC (granting or refusing concurrence) was the only procedural hurdle we needed to surmount (*in relation to our application being premature*) so as to proceed with our case.

#### **EVENTS AFTER THE MEETING ON THE 2<sup>ND</sup> OF APRIL 2023.**

27. I am not sure when the MEC responded to the Municipality on the Naledi Municipality's report submitted to him pertaining to the recruitment of municipal manager since we were not copied in this

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*[13.2]the municipal manager does not possess the requisite academic or tertiary qualifications and that he should not have been appointed as the municipal manager (of the municipality);*

<sup>5</sup> see paragraph 15.1 – 15.2 of Mr Sejake's affidavit.

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communication. In fact, this Naledi Municipality's report remains a well-kept secret to this present day.

28. According to Mr Groep's evidence, the MEC Report of non-concurrence was sent to the Municipality on or before the 2<sup>nd</sup> of May 2023. He does not attach the MEC's report, nor does he state from whom and how he received the letter. He never brought this letter/report to the attention of the Council (considering that some of the applicants in the matter are councillors, if tabled they could have advised of such). Eight days later and more motu, the Mayor made further submissions to the MEC to persuade him to grant concurrence.

28.1. Unaware that a decision of non-concurrence had already been made, my Attorneys of record made several follow ups to the office of the MEC.

28.2. It was on the 30<sup>th</sup> of May 2023 that my Attorneys of record received a copy of the letter which the MEC had sent to the Mayor declining to grant concurrence.

28.3. The MEC's letter refusing to grant concurrence was thus only sent to my attorneys 20 days after the Mayor had already addressed the issues raised therein in an attempt to persuade the MEC to grant concurrence.

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28.4. I annex hereto copies of follow up emails sent to the MEC and the Minister as Annexures "HH 4". I also attach hereto a copy of the email from the office of the MEC which attached the letter dated the 11<sup>th</sup> of April 2023 signed the 26<sup>th</sup> of April 2023 and delivered electronically on the 30<sup>th</sup> of May 2023 as Annexure "HH 5."

28.5. The letter refusing to grant concurrence by the MEC was thus not obtained from grapevine but directly from the MEC's office 20 days after the Mayor had made further submissions.

28.6. This letter was sent through the email of a COGHSTA officials to my attorneys of record. No affidavit from the said official is before the committee.

28.7. If I or Mr. Mokgosi are the architects of this letter which is now said to be a forgery, I could have been in possession of it before it was sent by the MEC to the Mayor or my attorneys of record.

29. If there was any forgery on the letter which was sent by the office of the MEC refusing concurrence, then the following pertinent questions need to be answered: -

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- 29.1. Is it the deponents' version that the original and unaltered letter of the MEC granted concurrence, which was later altered to non-concurrence by myself and Mr Mokgosi?
- 29.2. If so, where is confirmation of this by the author of the letter or signatory thereof being the erstwhile MEC? (Hon N Maloyi).
- 29.3. If so, who informed the Appellants of this and when? or put differently, on what authority do the Appellants or the deponent (s) draw this conclusion?
- 29.4. Has anyone from the office of the MEC more particularly Ms Lesego Mathe confirmed the alleged forgery as she is the one who sent the alleged forged letter to my attorneys of record.
- 29.5. If the MEC's report was tempered with, doctored or altered, what was the nature and extent of such alteration?
- 29.6. Who was responsible for the alteration bearing in mind that the affidavit of Mr Sejake and Mr Groep is silent on this aspect?

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29.7. Why has any of my accusers failed or neglected to attach the copies of the original reports and the allegedly altered reports?

29.8. When was the alteration done considering the fact that the letter in question was sent to my attorneys on the 30<sup>th</sup> of May 2023 and the alleged meeting where the alteration happened took place on the 2<sup>nd</sup> of April 2023? Considering that the Premier and I had altered the letter why did we wait another 2 months to go back to the Courts risking being struck off for want of urgency again?

29.9. When the MEC received the letter from the Mayor dated the 10<sup>th</sup> of May 2023 addressing the reasons for non-concurrence, why did he not distance himself from the letter which was allegedly a forgery?<sup>6</sup> The MEC could have asked why further documents were being submitted after he granted concurrence.

29.10. Why did the Mayor not disclose the further correspondence with the MEC after his letter dated the 10<sup>th</sup> of May 2023

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<sup>6</sup> see para 20 of Mr Groep's affidavit to in his Police report "Annexure CJG 5" to his affidavit wherein he stated the following: -

[20] On the 28th of May 2025 the MEC Moloyi again addressed a letter to me expressing his "disappointment" regarding the content of my response to him. He further claimed that my letter "translates into a completely new report to the recruitment process of the municipal manager". He then requested reasons why a comprehensive report was not submitted from the onset as required.

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which addressed the irregularities raised by the MEC? This correspondence appears on paragraph 20 of the affidavit submitted by Mr Groep to the police in his ill-fated criminal case.

29.11. Why did the Mayor lie to the court that he had not yet received any response from the office of the MEC and was awaiting the MEC's decision after the submission of the second report? This lie reverberates throughout the papers filed in the High Court and in the Supreme Court of Appeal. The Mayor and his counterparts committed perjury.

29.12. If the report that was sent to the MEC was forged and if his report granting concurrence was forged as the duo allege, how was the MEC misled because he must not feature in either of the reports?

29.13. Was it necessary to mislead after succeeding in forging the report.

29.14. Does the duo suggest Hon Nono Maloyi was a stooge who was not performing his duties and does the Chairman agree with this insinuation which implicitly features in the threadbare affidavits filed before the ad hoc committee.

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29.15. Was Mr Sejake and other third parties mentioned in his affidavit complicit in this criminal activity? (the alleged forgery committed in my house) If so what was the role of each of them?

29.16. If they were not complicit, why did they accompany Mr Mokgosi?

29.17. Was Mr. Mokgosi craving for witnesses to observe the criminal adventure and they obliged?

29.18. What was the nature and extent of Mr Mokgosi's influence as he was neither an MEC nor a Premier during the period in question. He was a chief whip of the Provincial legislature.

29.19. Were the officials in the office of the MEC complicit to the fraud/alteration and or tempering with the letter?

29.20. If so, who are the officials, and have they conceded under oath to have committed this offence?

29.21. When my attorneys wrote to the MEC asking if any steps were to be taken pursuant to the non-concurrence, why did the MEC not express any shock or surprise if the letter was not legitimately from his office since the duo allege that it was a product of fraud?

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29.22. When my attorneys filed supplementary papers incorporating the letter of non - concurrence from the MEC, the office of the MEC was duly served and yet still the MEC did not see or express any shock on the allegedly doctored letter being relied upon as a further ground to have the appointment of Mr Segapo set aside.

29.23. The MEC went on to file a Notices to abide which I annex hereto as Annexure "**HH 6.**" How did he participate in the proceedings where a letter had been doctored altering his decision especially if he had granted concurrence?

29.24. In our application for contempt which we lodged in December 2024, the MEC participated in the proceedings fully and filed answering papers wherein he made it clear that Mr Segapo was not recognized as the Municipal Manager. The affidavit deposed from the office of the MEC is annexed hereto as "**HH7**

29.25. He also implored the court to resolve the matter speedily as there was a vacuum in Naledi Local Municipality. How did the MEC still not see that the letter which was attached was a doctored one not reflecting his decision or the predecessor's?

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29.26. In the court aquo, the MEC was served in +/-10 urgent application ancillary to the removal of Mr Segapo as the Municipal Manager. How did the MEC not see that the letter which was part of the grounds for the removal of Mr Segapo was not his and or had been doctored?

29.27. The MEC also wrote a letter to the Municipality dated the 15<sup>th</sup> of November 2024, in terms of which he reiterated that he did not recognize Mr Segapo as the Municipal Manager of Naledi Local Municipality. On what basis did the MEC write this letter if the Non-Concurrence letter we relied on was a product of fraud? I annex hereto the letter as Annexure **HH8**.

29.28. How did the MEC recognize a judgment which removed Mr Segapo knowing fully well that it was obtained fraudulently?

29.29. How did Hon Mokgosi seek to derail the appointment of Segapo on the 2<sup>nd</sup> of April 2023 when he had already been appointed on the 10<sup>th</sup> of March 2023.

29.30. Why did the Mayor submit an MIE verification report which had only matric as Mr Segapo's only verified qualification and certify that he was qualified to hold the position.

29.31. The questions are endless and are truly food for thought.

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30. The MEC thus, clearly declined to grant concurrence to the appointment of the Municipal manager due to several irregularities which appeared *ex facie* the report submitted by the Municipality to him. I have never been in possession of this report as insinuated by the duo in their respective affidavits. Even Sejake himself could not help me in obtaining a copy of the report submitted to the MEC.

31. In fact, part of the application before the High Court was my letter dated 10<sup>th</sup> of November 2022 which I addressed to the to several people in management at Naledi Local Municipality, expressing my concern over the exclusion of my office from the recruitment process. For ease of reference, I annex the letter hereto as Annexure "**HH 09.**" I was thus, never officially in possession of the report on the recruitment process which was shrouded in secrecy.

32. At the same time, upon receipt of the letter from the MEC refusing to grant concurrence, without tabling the letter before the council, the Mayor quickly made written submission which were supported by documentary evidence which he attached as Annexures. The Mayor attached documents which he stated were already part of the record which was sent by the Municipality to the MEC. I annex hereto the letter of the Mayor to the MEC dated the 10<sup>th</sup> of May 2023 together with its attachments as Annexure "**HH 10.**" The Mayor failed

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to attach this letter even though he purported to be attaching it to his opinionated affidavit which is bereft of substance.

33. I shall pause at this juncture and deal with the Mayor's aforesaid letter to the MEC: -

33.1.1. Apart from correspondence from my attorneys of record to the MEC, the Mayor also sent the aforesaid letter to the MEC dealing with the allegedly doctored letter refusing concurrence.

33.1.2. How did the MEC still fail to see that the letter in question was a product of fraud and forgery as alleged after the Mayor addressed the aforesaid letter to him?

33.1.3. The Mayor attached among other things an MIE (Managed Integrity and Evaluation Check) on the qualifications of all shortlisted candidates.

33.1.4. Whereas Mr Segapo purports to hold a BIURIS Degree and several other certificates, the only verified qualification of Mr Segapo is a Matric certificate.

33.1.5. The burning question we had was whether a BIURIS is an equivalent of LLB as required by the Act to be the qualifying criterial for anyone wishing to be appointed

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as a Municipal Manager. (I submit that a BIURIS is not and equivalent of LLB). This is no amount of smoke screen or intimidation which will stop me and my counterparts from pursuing this issue (Thanks to Mr Sejake and the whistle blower).

33.1.6. However, this question immediately fell away as there is simply no proof that Mr Segapo holds the BIURIS degree. I shall deal with this point later in this affidavit.

33.1.7. Even though his qualifications were questioned, nowhere in his papers did Mr Segapo see the need to furnish the court with his qualifications. He has also failed to place his qualifications and proof of verification before this committee.

33.1.8. I believe in good faith and as corroborated by the MIE report that Mr Segapo is a mere matriculant who does not have any tertiary qualifications.

33.1.9. The certificates which Mr Sejake brought to my residence, feature nowhere in the MIE report. Whereas Mr Segapo poses as one who has certificates for short courses, the Municipality recorded them as pending and they have been pending for several years now.

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(Please see the letter of the 10<sup>th</sup> of May 2023 by the Mayor annexed supra).

33.1.10. I must pause and emphasize that short certificates are achieved in a few weeks to a few months yet several years later, Mr Segapo has not completed any of the certificates he purports to hold.

33.1.11. It is clear that the real culprit who must be investigated is the Mayor who successfully misled the MEC whose report, though refusing concurrence, stated that Mr Segapo has a BIURIS degree and is compliant on qualifications prescribed by the law.

33.1.12. The Mayor simply attached the MIE report in order to tick the boxes for compliance. Now that the chickens are coming home to roost, he wants to divert attention away from him.

33.1.13. It may as well be that Naledi municipality has had a mere matriculant for an accounting officer for over a decade. No amount of dust being created by Mr Sejake the Mayor and their counterparts will blind us from interrogating this issue to finality.

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33.1.14. The MIE report was also central to the submissions made by both parties before the SCA. It is unfortunate that the SCA did not pronounce itself on this aspect. Counsel for the Appellant attempted to evade the question asked by Justice Chilli on whether the MIE report had been submitted by the Mayor to the MEC. He later admitted after an intellectual dishonesty roundabout in attempt to dodge the question.

33.1.15. How does the MIE report which the Mayor submitted equate with the concocted allegations that the MEC's report was doctored by myself and Mr Mokgosi?

33.1.16. Can one think away the allegedly doctored report with the unlawful appointment disappearing at once? The answer lies in what was submitted by the Mayor which corroborates the unlawfulness of the appointment.

33.1.17. With or without the report, the appointment of Mr Segapo remains legally unsustainable as confirmed by the SCA in its recent judgment.

33.1.18. The allegations made by Mr Sejake and Mr Groep are thus, unfortunate and can never salvage the demise of Mr Segapo who must go back to school.

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34. I must pause at this juncture and state that whether the MEC granted concurrence or not, we were going to proceed to re-enroll the matter on the urgent roll again on the basis that: -

34.1. The MEC report clearly stated in the first paragraph, that he had only confined himself to the report submitted by the Municipality and has not considered any other factors such as those raised in our founding papers.

34.2. This means the MEC had not considered allegations of nepotism which indicted mainly the Mayor who had refused to recuse himself from the recruitment process.

34.3. The same Mayor went on to replace a panelist of the recruitment Panel without a resolution from Council. Several, if not all of the internal irregularities in the appointment of Mr Segapo revolved around the Mayor.

34.4. Our matter had simply been deemed to be premature and had merely been struck off from the roll. Our application was thus still alive and its re-enrolment depended upon the MEC exercising his statutory obligations.

35. It is thus not surprising that: -

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35.1. The same Mayor brought the First Application challenging the writ of execution which removed Mr Segapo from office without a resolution of Council.

35.2. The same Mayor used financial resources of the municipality to defend the removal of Mr Segapo whom he owes a lifetime debt for having 3 of his family members hired and promoted successively within a period of weeks.

35.3. The same Mayor went on a public forum and made explosive and yet baseless and unsubstantiated allegations in a desperate bid to buy his friend (Mr Segapo) a new tenure amid the chaos he intends to create.

35.4. Perhaps Mr Segapo is in possession of the proverbial Epstein files which indicts the Mayor. Whatever debt he owes Mr Segapo, it is not for me or any other innocent third party to pay.

36. Having received the letter from the MEC declining concurrence, my attorneys enquired from the office of the MEC if they were to take any legal steps to have Mr Segapo removed from office. Having received no response, our attorneys duly supplemented our papers, and the matter was re-enrolled again on the urgent roll.

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37. This culminated in the 19<sup>th</sup> of September 2023 Judgement which was the genesis of the lengthy legal battle and the Appellants incessant applications for leave to appeal which remain unprosecuted over two and half years later. The SCA has finally brought an end to the litigious tomfoolery which has drained the public purse.

**MY WHATS APP MESSAGE AND ITS CONTEXT.**

38. Indeed, Mr Sejake and his envoy came to my place of residence as alleged supra. He commended me for grabbing the bull with the horns.

39. Little did I know that Mr Mokgosi would later rise to the office of the Premier in 2024. Meanwhile, I had obtained a series of judgments including a judgment in terms of s 18 (3) of the Act to enforce judgment pending appeal. The Premier and the MEC COGHSTA sat on their laurels and did nothing. The MEC who was cited in the papers and constantly served with each and every application filed notices to abide and thus pursued a laissez-faire policy.

40. We brought an application for contempt which was struck off from the roll. We then proceeded to issue a writ of execution and Mr Segapo was removed from the office by the Sheriff. The Mayor

brought an urgent application to set aside the writ and it was struck off from the roll.

41. The Mayor withdrew the application and brought a similar one with the Municipality and Mr Segapo now cited as Applicants. The Application was dismissed with costs. Still the Premier and the MEC failed to remove Mr Segapo from office. Through a legal opinion from his legal representatives, Mr Segapo went back to office and has remained in office to this present day even though he was removed by the sheriff through a writ of execution which he unsuccessfully tried to challenge.

42. Meanwhile, Naledi Local Municipal Council took a resolution to dismiss me for abscondment after bouncers were instructed to lock me out of the premises of the Municipality. Council rescinded the resolution in order to tick the box of procedural fairness. I was subjected to a disciplinary process which had a clear mandate to get rid of me. I received no support from the ANC Deployment Committee, the MEC or the Premier. Meanwhile, Lorato Sethlake (my co-applicant was removed as the whip of Council. They were always ejected out of council meetings each time they registered their dissenting views.

43. I found myself living on handouts from family and friends. Seeing that no one was coming to rescue me, I opted to resign. After my

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resignation, I was informed by Mr Sejake that Mr Segapo and the Mayor were reaching out to the office of the Premier to have the matter settled. He also informed me that Mr Montwedi of EFF was the mediator of the process and has been reaching out to my Attorneys. Infuriated, I wrote a whats app message to the Premier telling him not to interfere with my matter as per the Whats App message attached to Mr Sejake's affidavit.

44. I met the Premier in person thereafter, and he informed me that: -

44.1. He had meetings with the MEC who could not remove Segapo due to his allegation that he had pending appeals which suspended judgment.

44.2. It was prudent to wait for the legal process to reach finality and allow the SCA to deal with the main matter before taking a decision which may be deemed unlawful.

44.3. I had been misinformed about him attempting to settle the matter as he is not a party to the proceedings, nor can he override the decision of the court and was not aware of any phone call to my attorneys by Mr Montwedi.

44.4. Neither Mr Segapo nor the Mayor had reached out to him and propose a settlement. Only the SCA could bring finality to this matter.

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44.5. He was shocked that I was attacking him without first verifying the facts and expressed his disappointment in my conduct.

45. Whereas I felt let down by the MEC and the Premier, the reasons given by the Premier as captured supra for his non-interference were sound especially in circumstances where the same High Court ruled that Mr Segapo was not in contempt even after being removed from office through a writ. It is common cause that the contempt judgment is now a subject matter of appeal at the SCA. Erring on the side of caution required that the SCA be allowed to determine the appeal.

46. I then decided not to listen to anything coming from Mr Sejake who seems to be paid to sow seeds of discord. I am not surprised that he is now at the epicenter of baseless allegations against me. The allegations of fraud are thus meant to defeat and obstruct the ends of justice. They are aimed at diverting the focus on the role of the Mayor in appointing a candidate who only has a matric and misleading the MEC into believing that Mr Segapo's qualifications were compliant.

47. The evidence of Mr Sejake and the testimony of the Mayor is all based on their opinions, hurt feelings and speculation.

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**48. For completeness, I need to deal with this message I sent to the Premier hereunder: -**

48.1. The First paragraph deals with the visit which I have already pleaded supra. I use poetic language, and one cannot be guilty of such and any interpretation can be given to it which might not suit the narrative. The same way Pastors give 100 meaning to one bible verse.

48.2. The letter in paragraph 2 is the letter I have annexed supra which was in the hands of Mr Sejake. I stated that the Mr Mokgosi brought it because he was in company of Mr Sejake who claimed to have obtained it from the Municipality. I can impute the letter on all of them by virtue of their common purpose for their visit. My whatsapp message was at that time directed to Mr Mokgosi hence I imputed the letter by anonymous to him.

48.3. We all agreed that this letter must never be leaked as the author thereof had stated that there were people in the office of the MEC who were going to make sure that Mr Segapo gets appointed even though he is not qualified and amid all the irregularities stated in the judgments. And the author had cited him/herself as a concerned citizen and employee of Naledi Municipality. Who knows, maybe the

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author was Mr Sejake himself? Mr Segapo himself boasted of this stating that his appointment was stonecast.

48.4. Anonymous had pleaded for confidentiality at this stage hence we needed to treat the letter as such in order not to potentially expose the anonymous person who expressed the intention to deliver further evidence. Leaking the letter to the then MEC COGHSTA would alert the officials that we were aware of their intentions.

48.5. I indeed worked on the letter by challenging the qualifications of Mr. Segapo as acknowledged in Mr. Groep's affidavit. I also asked my lawyers if we could make use of the letter annexed supra and the qualifications of Mr Segapo. I was advised that the letter and the qualifications were inadmissible as evidence. I was advised further that my averments were sufficient to challenge his qualifications. I included the averments in the letter by anonymous in the follow up letter to the Minister and the MEC dated the 18<sup>th</sup> of April 2023 annexed hereto as annexure HH4.

48.6. I indeed confronted the Premier for attempting to jeopardize my matter with the aid of Mr Montwedi of the EFF based on the information I had received from Mr Sejake whom I trusted very much.

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48.7. I told him that the matter of Mr Segapo was not to be resolved as per his wish. His conduct (if true) was indeed divisive of the Northwest and intended to cause confusion. One cannot commend me and encourage me to fight an irregular appointment he later endorses on the face of adverse court judgments and my victimization.

48.8. **I stated that I was duty bound to protect Segapo against him.** It was suicidal of Mr Segapo to ignore judgments and pay my lawyers millions in legal costs which had been suspended by the Appeal.

48.9. At the time that I got this message about the alleged settlement by Mr Sejake parties to litigation were waiting for contempt of court judgement after the hearing of the 7<sup>th</sup> of March 2025 where judgement was reserved.

48.10. At that time I received various phone calls from anonymous numbers ordering me to withdraw the case. I refused to succumb to pressure and besides I was not the only applicant on the case. Withdrawing myself as the applicant was not going to change anything and judgements were already there and remained extent.

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48.11. Hence I wrote "Like martin luther of old, what is about to happen to me I do not know and I care less to know".

48.12. It was also ill advised to allow Mr Segapo to continue holding office when he lacks the requisite qualifications. Salaries he received during his tenure as the Municipal Manager will have to be paid back. Decisions he took whilst unlawfully holding office can be reviewed and set aside causing further chaos in Naledi if he continued to hold office.

48.13. Indeed, I was going to fight and make sure that he is not the next Chairman of the ANC as I had concluded that he was interfering in my case. Such reprehensible conducted can only induced by political ambitions and I was determined to fight him.

49. This was the context of my, message. There is no room for speculation which Mr Sejake and Mr Groep have stated under oath. I am yet to see if the SCA judgment will be enforced. If it is not enforced, I will still confront the Premier and the MEC Cogta. I will still hold them accountable if they sit on their laurels.

50. I wish to pause at this juncture and record that, after sending that message to the Premier I took a screen shot of the whatsapp

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message and sent it to Mr. Sejake. He laughed about the message, however he expressed his unhappiness on the fact that his name was included in the message.

51. Mr. Sejake later gave me a call and expressed his unhappiness, and he said and I quote "Why did I include his name in the communication, do I understand the implication on his name if the communication leaks, considering that he is employed at the Municipality. He accused me of being inconsiderate and trying to snatch food from his children's mouth after all the sacrifices he had made for me and if I am to spite the Premier I must promise him that it has to be no-one but the Premier alone. It is true that I indeed apologized to Mr Sejake for including his name in the communication for he had assisted me with documents and did not wish to have his name disclosed.

52. It seems this message was kept as a bargaining card that Mr Sejake kept to his chest. The screen shot of the whatsapp messages was never shared to the public or on any public platform like facebook as alleged, it was after Mr Groep's allegations that the aforesaid message was disseminated into the public platform by the media.

53. Before speaking to the Premier personally as averred supra, I went on to confront my attorneys whom I intended to terminate and report to

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the LPC for negotiating the case behind the Applicants' back. My co – applicants did not buy the allegations of Mr Sejake. We arranged a consultation and our legal representatives were shocked to hear the allegations. They advised us that: -

- 53.1. Even though settlement is always advisable, the case against Mr Segapo was a legality and Constitutional issue which can only be settled by the court.
- 53.2. Settlement was already too late in the face of the judgment and writ which had been executed which Mr Segapo defied.
- 53.3. Mr Segapo could not withdraw the appeal and remain in office as the judgment would now need to be enforced. Anyone could enforce the judgment even if we elected not to.
- 53.4. The only acceptable settlement was for Mr Segapo to abandon the SCA appeal by withdrawing it and tendering costs. He would then have to exit office and allow the recruitment process to commence de novo as per the judgment(s).

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53.5. At this point, the Municipality would then honour the various cost orders.

54. These lies peddled by Mr Sejake were a blessing in disguise as our attorneys diligently pursued the request for a preferential date which was granted by the President of the Supreme Court of Appeal.

55. I must admit that I remained skeptical if our Counsel was not going to deliberately mount a weak defense in argument as part of me still believed there may have been some under the table dealings. This was due to the trust I used to have for Mr Sejake.

56. The 21<sup>st</sup> of August 2025 is a day I never forget. I received phone calls from members of the community who attended court at the SCA. They were already celebrating victory before the judgment was out. My lawyers were never bought, they were never for sale, and they never compromised our case as alleged by Mr Sejake.

57. The office of the MEC under the leadership of Hon Nono Maloyi refused to grant concurrence contrary to the allegations in the letter brought to me by Mr Sejake that there were people in the office of the MEC who were going to make sure that Segapo gets appointed at all costs. Hon N Maloyi refused to grant concurrence and left office immediately thereafter. He did what a reasonable and diligent MEC would do.

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58. Sejake is being used as a pawn on the chess board. Initially he was determined to fight a good cause. He sold his integrity to have his suspension lifted as not suffer the same fate as mine. After depositing to his affidavit which served before the SCA and the High Court, I met Mr Sejake he came to my house in September 2025 after the sitting of the portfolio committee (where Mr. Groep made allegations) he had come to buy some eggs. Mr Sejake told me that I may have succeeded legally but I am going to fail and lose politically. He told me that the grand plan by a faction of the ANC to find dirt on Mr Mokgosi and the ad hoc committee will see to it that this happens. He informed me that the Premier must be out of office by December 2025 and I must bet for a winning horse. I am not pleased with my name being embroiled to fight political battles which I know nothing about.

59. Mr Sejake has become a politician. He lied about the Premier which led to my outburst. I almost terminated the best legal team which represented me for two and half years without being led by money after my pockets were drained. My co – applicants a mere Councillors who struggled to contribute to the legal fees. The plan almost worked but no one can stop an idea whose time comes.

**THE TESTIMONY OF THE MAYOR BEFORE THE PARLIAMENTARY PORTFOLIO COMMITTEE JUXTAPOSED WITH MR SEJAKE'S AFFIDAVIT.**

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60. The biggest problem with lies is that they cannot be sustained for too long. Lies remain lies a thousand years after we are gone. The Mayors allegations are in no way corroborated by Mr Sejake's affidavit.

60.1. In paragraph 24 of his affidavit annexed to his affidavit before this commission, Mr Sejake states that:

"In addition, I witnessed Mr Groep's recent address on national television that was aired on Wednesday, 3 September 2025 in which he explained to the National Portfolio Committee on Cooperative Governance and Traditional Affairs that there is evidence that has recently surfaced which points to the tempering of the MEC's report which was submitted in court as the basis of reviewing and setting aside Mr Segapo's appointment as the municipal manager of the Municipality."<sup>7</sup>

60.2. The first pertinent question is what was tempered with according to Mr Sejake. Mr Sejake stated under oath paragraph 24 supra that it is the MEC'S report refusing concurrence which was allegedly doctored.<sup>8</sup>

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<sup>7</sup> Sejake's court affidavit.

<sup>8</sup> see para 27 of Mr Groep's affidavit.

60.3. On the other hand, according to the Mayor, it is the report which was submitted to the MEC by the Municipality which was tempered with resulting in non-concurrence.<sup>9</sup>

60.4. He alleges that certain documents were removed from Mr Segapo's Application for the position of the Municipal manager. The Mayor failed to state which documents were removed from the application of Segapo, when they were removed, by who and provide the proof thereof. This allegation is not corroborated by Mr Sejake's affidavits.

60.5. For the Committee's convenience I hereby quote verbatim Mr Groep's submissions to the Portfolio Committee on Cooperative Governance and Traditional Affairs as alleged by Mr Sejake in paragraph 24 quoted verbatim supra.

**Mr Groep submitted before the Portfolio Committee that:**

**MR GROEP:** ".....you cant even execute a writ when there is an appeal which is automatic anyway.

Mr Appolus the first Applicant in the matter made revelations and confirmed the political interference on the appointment of the Municipal Manager, if you go on social media not you will see there is

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<sup>9</sup> para 27 of Mr Groep's affidavit.

a letter trending where he outlines what has happened and who has been going to him.

**Chair:** Do you have the letter?

**MR GROEP :** We have the letter

**MR GROEP:** Mr Appolus mentioned that he was visited by four people and I was surprised that he was brave to mention that a serving member of this house went to his farm and was asked him to tamper with the original report.

I am mentioning the four now. Mr Appolus mentioned that the Honourable Premier Mr Mokgosi and 3 members Dorine Mariri, Bucks Boy Boy Sejake went to him to alter the report that was submitted to the MEC's office, this whole case is based on lies, it was fabricated and the MEC was misled and fraud was committed as we sit here the case is in the SCA.

Honorable Chairperson we have seen in the letter maybe I must mention I was called by the member of parliament from EFF Mr Montwedi and he said the advocate has not been paid , the advocate that he recommended for the Premier...."

61. It is apparent that by deposing to that affidavit Mr Sejake was trying to corroborate the perjury that was committed by Mr Groep.

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62. Mr. Groep painted a picture that the allegations of fraud had served before the SCA hence he stated "the MEC was misled, and fraud was committed as we sit here the case is in the SCA."

63. To cover up for this misrepresentation that allegations of fraud had been canvassed before the SCA, an affidavit of Mr Sejake was smuggled into the SCA accompanied by a letter . There are, however, some notable inconsistencies in the duo's statements in that: -

63.1. Whereas Mr Groep alleges that the report that was submitted to the MEC was altered and further the MEC was misled into refusing concurrence, Mr Sejake affidavit states that it is the MEC's report granting concurrence, which was altered, and the same altered report was used to support the Applicants case in reviewing the appointment of Mr Segapo.<sup>10</sup>

63.2. In paragraph 29 of his affidavit filed before this commission, Mr Groep alleges that the MEC was not the author of the letter refusing concurrence. This contradicts his correspondence with the office of the MEC which he kept as a secret throughout the court proceedings. Why would

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<sup>10</sup> Paragraph 20 of Mr Sejake's affidavit submitted to court(s).

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the MEC write a letter of 'disappointment' to the Mayor dated 28 May 2023 as alleged in paragraph 20 of his Police affidavit if he had not authored the letter in question.

63.3. The letter which accompanied Mr Sejake's Affidavit to the High Court and the SCA bluntly states the following:

Mr Thabo Sejake's Affidavit deals with the steps and/or meetings that led to the tempering of the then Fifth Respondent's (Mr Nono maloyi's) report and we refer justices of this honourable court to paragraphs 5 – 24 of the Affidavit annexed to this letter marked as "A1."

63.4. In paragraph 15 of his court submitted affidavit, Mr Sejake alleged that Mr Mokgosi was in possession of a legal opinion from COGHSTA which advised that there were no procedural and substantive irregularities in the manner in which Mr Segapo had been appointed. This is repeated in paragraph 33 of Mr Groep's affidavit yet no such legal opinion was attached. Its existence, its legal status and the author thereof remain a mystery.

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63.5. This also contradicts the allegation made by the mayor before the ad hoc committee that Mr Mokgosi and others came to my place to alter the report.<sup>11</sup>

63.6. In paragraph 15 of Mr Sejake's new affidavit before this forum, he now sings a different tune. He now alleges that Mr Mokgosi was in possession of a draft report from COGHSTA which was approving the appointment of Mr Segapo. It is suddenly no longer a legal opinion, nor was it a proper and final report, its now a draft report.

63.7. The Mayor went on to acknowledge the hearsay nature of his evidence and slavishly quoted Mr Sejake's affidavit in his own affidavit. The conclusion which he draws are a non sequitur as they find no support in Mr Sejake's testimony.

63.8. How I could have doctored a report by or to the MEC defies logic and common sense. Was there a need to doctor anything if the MEC was misled. The contradictions really demonstrate a failed consented effort to concoct lies and mislead the court and the Portfolio Committee.

63.9. Whereas in his affidavit and testimony before the Parliamentary portfolio committee, the mayor

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<sup>11</sup> para 22 of Mr Groep's affidavit.

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unequivocally stated that there was tempering with the report submitted to the MEC and the report of the MEC; his affidavit in support of the criminal case speculates what may/may not have been before the MEC.<sup>12</sup>

63.10. It is a desperate attempt to derail the court process and evade a possible adverse finding against the Appellants and more specifically, against the Mayor as an individual.

63.11. The deponent being the Assistant Manager, Occupational Health and Safety Department in Naledi Local Municipality<sup>13</sup> must disclose what he has been promised for him to take such an extraordinary step in a desperate bid to save Mr Segapo from the inevitable.

63.12. This commission will also immediately notice that the affidavit of Mr Sejake was only served upon my attorneys of record and never upon the MEC whom he alleges was misled or had his report altered.

63.13. I shall now strive to respond ad seriatim to the Appellants' allegations only to the extent necessary.

#### **ALLEGATIONS ON MR MOKGOSI HAVING MR SEGAPO'S CV.**

<sup>12</sup> See paragraph 20 of the Affidavit of Mr Groep submitted to the Police.

<sup>13</sup> paragraph 1 of the Founding Affidavit.

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64. Apart from what I have already pleaded supra, The allegation that the Mr. Mokgosi brought the CV of Mr Segapo to my place are not true in that: -

64.1. Had this happened, I could have immediately picked up the fact that Mr Segapo's only verified and existing qualification was a matric as per the MIE report.

64.2. I could have used his CV and qualifications to augment our case. We never used his CV in our application because it was a well-kept secret by the Mayor and whoever was part of the recruitment process if the cv was ever submitted.

64.3. Sejake himself helped me with the CVs of other candidates which I used in our application, yet he could not access that of Mr Segapo.

64.4. Most of the documents we used in the application were sourced from Sejake himself.

65. I shall now respond to the allegations ad seriatim only to the extent necessary.

#### **AD PARAGRAPH 20 – 24. THE CONCLUSION.**

66. The whole affidavit and the conclusion drawn by the deponent can be summarized as follows: -

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"If a goat has four legs and a mango is a fruit; the conclusion is that we cannot know how and where we can buy bread?"

66.1. Yes!!, it is jibberish and at most a non sequitur. The conclusion is irreconcilable with the averments made in the affidavit.

66.2. There is nowhere in the affidavit where Mr Sejake made an allegation that the report of the MEC was never prepared by Mr Nono Maloyi as the then MEC. The allegation that it had been prepared in the circumstances explained above when nothing was explained demonstrates complete obtuseness of mind on the part of the deponent.

66.3. The statement by Mr Sejake suggests that the report by the MEC which makes part of the record of these proceedings was prepared on the day of the alleged meeting being the 2<sup>nd</sup> of April 2023.

66.4. Mr Sejake has once again failed to attach the MEC report which was not authored by the MEC of COGTA (the then Honourable Nono Maloyi) but was prepared in the circumstances that he explained in his affidavit.

66.5. He failed to explain why my attorneys had to follow up with the office of the MEC on the decision after the lapse of the

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14 days prescribed by the Rules. Put differently, there was no reason for me not to release a letter I had allegedly doctored which was in my possession for more than 14 days when the Act states that failure to concur within 14 days is tantamount to concurrence.

66.6. If I had the power to doctor a letter and release it through the official channels of the office of the MEC, then I could not have waited until the 30<sup>th</sup> of May 2023 to release it (this is almost two months later).

66.7. The following timelines are worth repeating:

66.7.1. On the 24<sup>th</sup> of March the Application challenging Mr Segapo's appointment was struck off the roll for want of urgency as averred supra.

66.7.2. On about the same day as the matter was struck off, the Mayor had submitted a report which culminated in the MEC's report which does not support the appointment of Mr Segapo.

66.7.3. The same report of the MEC declining concurrence was sent to the Municipality on the 2<sup>nd</sup> of May 2023. It was sent only to the Naledi Municipality and not to my lawyers.

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66.7.4. This is so because the Mayor had clandestinely reacted to the report by writing the MEC a letter attaching supporting documents on the 10<sup>th</sup> of May 2023.

66.7.5. The Mayor exchanged correspondence with the MEC as stated in his affidavit and supra.

66.7.6. It was only after several follow ups were made by my Attorneys of record directly to the office of the MEC that on the 30<sup>th</sup> of May 2023, my Attorneys of record received a response from the office of the MEC.

66.7.7. MEC's report was attached to the email as pleaded supra. At this time, my attorneys had already approached the office of the Minister.

66.7.8. Perusal of the report reveals that the MECs report is dated the 11<sup>th</sup> of April 2023, signed on the 26<sup>th</sup> of April 2023 and delivered to my attorneys electronically on the 30<sup>th</sup> of May 2025.

67. I wish to pause at this juncture and pause the following pertinent questions.

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67.1. How did Mr. Mokgosi or I obtain the MEC's report on April 2<sup>nd</sup>, 2023, even though it did not actually exist at that time?

67.2. Mr. Sejake failed to substantiate this part even though he allegedly witnessed the whole tempering with the report. There is no way I and my alleged accomplices could alter a document that was non-existent at the time.

67.3. Which report did the Mayor of Naledi make further submissions to on the 10<sup>th</sup> of May 2023 especially considering the fact that Mr Sejake seems to suggest that there was concurrence from the office of the MEC which we doctored or altered?

67.4. Why did my Attorneys seek the attention and possible intervention of the Minister of COGHTA when my intention was to use a Doctored report?

67.5. If the Mayor made further submissions to the same report (which was prepared under the circumstances) how did the report, make its way to the office of the MEC and the MEC remained quiet on the doctored report which was under reply?

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67.6. The erstwhile MEC left office in May 2024 and another MEC was appointed who also released a letter in which the appointment of Mr Segapo is not supported.

67.7. Did the two different MEC's come to the same decision/ Conclusion based on a fabrication they both failed to establish?

67.8. It is clear that the deponent's version is that Mr Mokgosi has used Mr Appolus to achieve his political goal of discrediting Mr. Segapo. Mr Sejake has not demonstrated what Mr Mokgosi achieved politically after the alleged visit in which he sought help from me to assist in derailing Segapo's Appointment. Now that he is the Premier, Segapo still remains in office even though contemptuously so. If the Premier desperately wanted him out, he could have been removed on the strength of the various judgments against him without us having to seek a contempt order.

70. The affidavits are bereft of substance and ought not to be entertained.

71. Mr Sejake's conscience has kicked in after two and half years of litigation. He woke up being a good citizen who fights for justice after

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witnessing the proceedings before this Honorable court for over two years and yet he elected to say nothing.

72. This ad hoc committee must not be used in this witch-hunt. The deponents Mr. Groep, Mr. Segapo and Mr. Sejake are the ones used to cooking up documents as well as lies. Their own affidavits submitted before this committee were signed on the 11<sup>th</sup> of November 2025 but served on the 10<sup>th</sup> of November 2025. Mr Groep attached an affidavit submitted at the police which makes reference to annexures which were never attached and same affidavit is said to be unsigned and uncommissioned yet it depicts the 11<sup>th</sup> of November 2025 date.

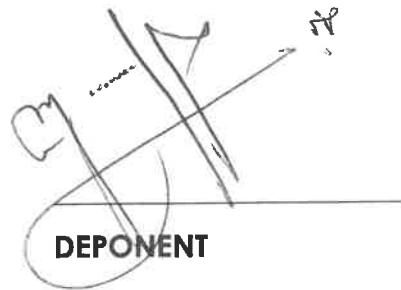
### **CONCLUSION.**

73. SCA is a court of law and not a circus which explains why the Sejake affidavit was not given any weight. Politicians who thrive on socio-economic self-aggrandizement are the cancer in our society which continue to foster the proliferation of misgovernance, irregular appointment and relegation of the Rule of law to the dust bins. The Mayor must face the consequences of his actions and not try to save Mr Segapo at all cost and ANC comrades must not use me to fight their succession and political battles. The motive behind his incessant efforts to save his master is clearly captured in the SCA judgment and needs not be repeated herein. I shall be suing for the legal costs I have incurred in this ad hoc committee.

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THUS SIGNED AND SWORN TO BEFORE ME AT Ganyesa ON THE 19 DAY OF NOVEMBER 2025, THE DEPONENT HAVING ACKNOWLEDGED THAT HE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT, AND THAT IT IS BOTH TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF, THAT HE HAS NO OBJECTION TO TAKING THE PRESCRIBED OATH AND CONSIDERS THE PRESCRIBED OATH BINDING ON HIS CONSCIENCE.

THE ADMINISTRATION OF THE OATH COMPLIED WITH THE REGULATIONS CONTAINED IN GOVERNMENT GAZETTE NO R1258 OF 21 JULY 1972, AS AMENDED.

  
**COMMISSIONER OF OATHS**



**FULL NAMES :**

Cedibone Joyce Mhlongo

**CAPACITY :**

Sgt

**AREA :**

Cedibone Mhlongo



**IN THE HIGH COURT OF SOUTH AFRICA  
(NORTH WEST DIVISION, MAHIKENG)**

CASE NO: UM199/2023

Held at MMABATHO on this the 14<sup>th</sup> day of OCTOBER 2025  
BEFORE the Honourable Madam Justice DJAJE DJP

In the matter between:

THABO APPOLUS	1 <sup>st</sup> Applicant
CLLR LORATO SETHLAKE	2 <sup>nd</sup> Applicant
CLLR LEBOGANG JACOBS	3 <sup>rd</sup> Applicant
CLLR VUYISWA MORAKILE	4 <sup>th</sup> Applicant
NELSON MONGALE N.O	5 <sup>th</sup> Applicant
and	
NALEDI LOCAL MUNICIPALITY	1 <sup>st</sup> Respondent
NALEDI LOCAL MUNICIPAL COUNCIL	2 <sup>nd</sup> Respondent
CLLR PGC GULANE (Speaker of Council)	3 <sup>rd</sup> Respondent
LLR J GROEP N.O (Mayor)	4 <sup>th</sup> Respondent
MR MODISENYANE SEGAPO N.O (Newly appointed Municipal Manager)	5 <sup>th</sup> Respondent
MS EXCINA MAKGAHLELA	5 <sup>th</sup> Respondent

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA  
NORTH WEST DIVISION,  
MAHIKENG

Process File Number: 2025-11-06

2025 - 11 - 06

NALEDI LOCAL MUNICIPALITY

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA  
NORTH WEST DIVISION,  
MAHIKENG

CERTIFIED A TRUE COPY OF THE ORIGINAL  
FILED IN THIS OFFICE

*Malakane*

LLCWALEDIWA KOKO LALELA & KOKO  
REGISTRAR OF THE HIGH COURT OF S.A.  
(NORTH WEST DIVISION, MAHIKENG)

TN

SC

THE MEC FOR COOPERATIVE  
GOVERNANCE HUMAN SETTLEMENT AND  
TRADITIONAL AFFAIRS, NORTHWEST PROVINCE

7<sup>th</sup> Respondent

SOUTH AFRICA LOCAL GOVERNMENT ASSOCIATION (SALAGA)

8<sup>th</sup> Respondent

PROVINCIAL TREASURY NORTHWEST PROVINCE

9<sup>th</sup> Respondent

HAVING READ all documents filed of record;

**IT IS ORDERED**

1. THAT: Leave to appeal to the Supreme Court of Appeal is granted.
2. THAT: Costs to be costs in the Appeal.

BY THE COURT

REGISTRAR OF HIGH COURT  
NORTH WEST HIGH COURT  
MAPIENG  
REGISTRAR

REGISTRAR OF THE HIGH COURT  
NORTH WEST DIVISION,  
MAPIENG

2025-11-06

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA  
NORTH WEST DIVISION,  
MAPIENG

CERTIFIED A TRUE COPY OF THE ORIGINAL  
FILED IN THIS OFFICE  
*Mabuse*  
MOKWALEDIWA KGOTLA TSHELOKGOLÖ  
REGISTRAR OF THE HIGH COURT OF S.A.  
(NORTH WEST HIGH COURT MAFIKENG)

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THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

JUDGMENT

Reportable

Case no: 122/2024

In the matter between:

NALEDI LOCAL MUNICIPALITY	FIRST APPELLANT
NALEDI LOCAL MUNICIPAL COUNCIL	SECOND APPELLANT
CLLR PG GULANE N O	THIRD APPELLANT
CLLR GROEP N O	FOURTH APPELLANT
MR MODISENYANE SEGAPO N O	FIFTH APPELLANT

and

THABO APPOLUS	FIRST RESPONDENT
CLLR LORATO SETHLAKE	SECOND RESPONDENT
CLLR LEBOGANG JACOBS	THIRD RESPONDENT
CLLR VUYISWA MORAKILE	FOURTH RESPONDENT
THE MEC FOR COOPERATION GOVERNANCE HUMAN SETTLEMENT AND TRADITIONAL AFFAIRS, NORTHWEST PROVINCE	FIFTH RESPONDENT

Neutral citation: *Naledi Local Municipality and Others v Appolus and Others*  
(122/2024) [2025] ZASCA 171 (14 November 2025)

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**Coram:** MOTHLE, KGOLELE, BAARTMAN JJA and HENNEY and CHILI AJJA

**Heard:** 21 August 2025

**Delivered:** 14 November 2025

**Summary:** Local Government: Municipal Systems Act 32 of 2000 – interpretation of s 54A – review of the appointment of a Municipal Manager – whether grounds for review established – principles of legality applicable.

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## ORDER

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**On appeal from:** North West Division of the High Court, Mafikeng (Reid J, sitting as court of first instance):

- 1 The appeal is dismissed.
- 2 The third to fifth appellants are ordered to personally pay the costs of this appeal, including the costs of the application for leave to appeal on a party and party scale, jointly and severally, the one paying the others to be absolved. Such costs to include costs of two counsel where so employed.

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## JUDGMENT

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**Kgoele JA (Mothle and Baartman JJA, Henney and Chili AJJA concurring)**

[1] This appeal is against the judgment and order of the North West Division of the High Court, Mafikeng (the high court), which reviewed and set aside the appointment of the fifth appellant, Mr Modisenyane Segapo N O (Mr Segapo) who had been appointed as a Municipal Manager. The high court ordered the first appellant, the Naledi Local Municipality (the Municipality), and the second appellant, the Naledi Local Municipal Council (the Council), to initiate a new recruitment process for the appointment of a Municipal Manager. The appeal is with leave of the high court.

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[2] The appeal originates from an urgent application that was initiated by the first to fourth respondents. The first respondent, Mr Thabo Appolus (Mr Appolus), serves as a Director of Corporate Services in the employ of the Municipality. The second to fourth respondents, Ms Lorato Sethlake, Mr Lebogang Jacobs and Ms Vuyiswa Morakile, are Councillors of the Municipality. For convenience, the first to fifth appellants and the first to fifth respondents will be collectively referred to as appellants and respondents respectively, except where the context dictates otherwise. When the urgent application served before the high court, the former Acting Municipal Manager, Mr Nelson Mongale; the Speaker, Mr P G C Gulane; the Mayor, Mr Cliffton John Groep; the Member of the Executive Council for the Department of Co-operative Governance Human Settlement and Traditional Affairs, North West Province (the MEC); the South African Local Government Association (SALGA) and the Provincial Treasury, North West Province (Treasury) were also cited as the respondents.

[3] The urgent application sought the setting aside of the appointment of Mr Segapo as the Municipal Manager. Among other ancillary relief, the respondents also sought a declaration that the meeting of 10 March 2023 (the Special Council meeting), at which a resolution to appoint Mr Segapo was passed, was unlawful and invalid.

[4] The impugned appointment was Mr Segapo's third term as a Municipal Manager. His initial appointment spanned from 2011 to 2016, followed by a reappointment on 1 September 2021. The second tenure was limited to one year. It was terminated by the election of the new Council, which legally brought his appointment to an end. The process regarding his third tenure commenced in October 2022, when the Council declared a vacancy that initiated a recruitment

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process. Eight candidates submitted applications to fill the vacancy advertised on 4 September 2022.

[5] Mr Segapo and Mr Appolus were the only candidates shortlisted out of the eight applicants. Mr Appolus subsequently withdrew his candidacy. Since Mr Segapo was still the Municipality's Accounting Officer when the position was advertised, he sought a legal opinion from Modiboa Attorneys Inc. on the legitimacy of interviewing only one candidate. The legal opinion advised the Municipality to re-advertise the vacancy to prevent the process from appearing biased, unfair, or anti-competitive. It also recommended the appointment of an Acting Municipal Manager in the interim.

[6] The legal opinion received led to a Council meeting that was held on 20 October 2022, during which a resolution was passed to re-advertise the position. It was further resolved that the panel appointed for the recruitment process of the initial advertisement be reinstated. The panel comprised of the Mayor, Councillor Hendriëtte Van Huysteen, Mr Katlego Gabanakgosi, who was the Municipal Manager from Greater Taung Local Municipality (Mr Gabankosi), Provincial Treasurer Mr L Mokoena, and Mrs Desiree Tlhoaele from SALGA. Mr Gabanakgosi was subsequently replaced by Mr Rantsho Gincane. A total of 13 applications were received, and five candidates were shortlisted. Mr Segapo was amongst the five shortlisted. Following the interviews conducted, Mr Segapo was recommended for appointment as the Municipal Manager. On 10 March 2023, a Special Council meeting resolved to appoint him.

[7] According to the respondents, as the recruitment process unfolded, they became aware of certain irregularities during the recruitment process. The initial

irregularities pertained to the involvement of the Mayor in the panel, in violation of Regulation 12(5) and (6) of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers (the regulations),<sup>1</sup> which regulates the disclosure by panel members, of 'any interest or relationship with shortlisted candidates during the shortlisting process'. The second set of irregularities concerned the procedures followed during the interview process. The irregularities form the crux of this appeal, the specifics of which will be addressed later in the judgment. It is sufficient to note that, dissatisfied with these irregularities, the second respondent sent an email to the Mayor on 10 November 2022 detailing the specifics of the irregularities. Nonetheless, the Mayor proceeded with the recruitment process, which ultimately resulted in Mr Segapo being recommended for the position of the new Municipal Manager at the Special Council meeting.

[8] The Special Council meeting and the resolution adopted during that meeting are what broke the camel's back. This prompted the respondents to file an urgent application, alleging that the entire recruitment process, including Mr Segapo's appointment, was riddled with apparent irregularities that could not withstand legal scrutiny. I pause here to note that, there is no need to summarise the particulars of the irregularities the respondents complained about relating to the Special Council meeting in this judgment, since the high court declined to grant the relief sought that was aimed at setting aside the said meeting inclusive of the related resolutions. Furthermore, the respondents did not pursue a cross-appeal of that order. Nothing more will be said about them in this judgment.

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<sup>1</sup> Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers published in No 21, published *Government Gazette* 37245 on 17 January 2014.

[9] The urgent application to nullify Mr Segapo's appointment was initially filed in the high court, prior to the MEC being provided with a recruitment report pursuant to s 54A(7)(a) and (b)<sup>2</sup> of the Local Government: Municipal Systems Act 32 of 2000 (the Municipal Systems Act). For that reason, it was struck from the roll. After the MEC received the report and declined to grant approval for the appointment, the application was re-enrolled and heard by Reid J. The respondents argued that the recruitment process was fundamentally flawed from the outset, both procedurally and substantively, due to the irregularities that were highlighted in the correspondence sent to the Municipality. They further relied on a letter from the MEC, which outlined numerous irregularities in the appointment process and wherein he declined to sanction the appointment.

[10] In opposition, the appellants contended that the matter was not urgent and that the respondents failed to establish grounds for review to sustain their application. Three preliminary points were also raised: that the respondents lacked the requisite *locus standi* to challenge the appointment; that the MEC's inaction rendered the respondents' application premature; and that the MEC's concerns had already been addressed.

[11] On 19 September 2023, Reid J dismissed the appellants' opposition together with the preliminary points raised and set aside Mr Segapo's appointment. The dismissal sparked a litany of applications and counter-applications that culminated in a two-stream appeal process: the application for leave to appeal against the main judgment and order (the regular appeal stream), and an automatic appeal (the s 18(4)

<sup>2</sup> This section provides that:

'(7)(a) The municipal council must, within 14 days, inform the MEC for local government of the appointment process and outcome, as may be prescribed.

(b) The MEC for local government must, within 14 days of receipt of the information referred to in paragraph (a), submit a copy thereof to the Minister.'

appeal stream). The details of the latter are fully dealt with hereunder. Some of these applications were finalised and others remained active until the hearing of this matter. The appellants were first to apply for leave to appeal Reid J's order on 29 September 2023. On 17 October 2023, the respondents reacted and filed an enforcement application under s 18(3) of the Superior Courts Act 10 of 2013 (the Superior Courts Act),<sup>3</sup> which Reid J granted on 17 November 2023. Leave to appeal to this Court was only granted on 26 January 2024. In response to the enforcement order granted, the appellants initiated an automatic right of appeal, pursuant to s 18(4)(a)(ii) of the Superior Courts Act.<sup>4</sup> On 28 April 2024, the respondents issued a writ to put into operation the enforcement order by removing Mr Segapo from his office, as he continued to report for work. The writ was executed, and he was consequently removed from his position.

[12] As if that was not enough, the appellants filed an urgent application to set aside the writ of execution. This application was eventually dismissed. Mr Segapo

<sup>3</sup> Section 18 of the Superior Courts Act 10 of 2013 (the Superior Courts Act) provides:

<sup>4</sup> Suspension of decision pending appeal

(1) Subject to subsections (2) and (3), and unless the court under exceptional circumstances orders otherwise, the operation and execution of a decision which is the subject of an application for leave to appeal or of an appeal, is suspended pending the decision of the application or appeal.

(2) Subject to subsection (3), unless the court under exceptional circumstances orders otherwise, the operation and execution of a decision that is an interlocutory order not having the effect of a final judgment, which is the subject of an application for leave to appeal or of an appeal, is not suspended pending the decision of the application or appeal.

(3) A court may only order otherwise as contemplated in subsection (1) or (2), if the party who applied to the court to order otherwise, in addition proves on a balance of probabilities that he or she will suffer irreparable harm if the court does not so order and that the other party will not suffer irreparable harm if the court so orders.

(4)(a) If a court orders otherwise, as contemplated in subsection (1)-

(i) the court must immediately record its reasons for doing so;  
 (ii) the aggrieved party has an automatic right of appeal to the next highest court;  
 (iii) the court hearing such an appeal must deal with it as a matter of extreme urgency; and  
 (iv) such order will be automatically suspended, pending the outcome of such appeal.

(b) Next highest court<sup>5</sup>, for purposes of paragraph (a) (ii), means-

(i) a full court of that Division, if the appeal is against a decision of a single judge of the Division; or  
 (ii) the Supreme Court of Appeal, if the appeal is against a decision of two judges or the full court of the Division.

(5) For the purposes of subsections (1) and (2), a decision becomes the subject of an application for leave to appeal or of an appeal, as soon as an application for leave to appeal or a notice of appeal is lodged with the registrar in terms of the rules.<sup>6</sup>

<sup>4</sup> Ibid footnote 3.

nevertheless continued with his duties as a Municipal Manager during these applications. When the papers were filed in this Court, the respondents were also preparing a contempt of court application against the appellants, which, as we were informed during oral arguments, Djadje DJP, dismissed on 06 June 2025. Additionally, we were told that Mr Segapo is still reporting for duty.

[13] Although these litany of applications are not part of the current appeal, the respondents raised the status of the s 18 appeal stream in their oral arguments, to the extent that it had a bearing on the regular appeal against the main judgment and order of Reid J. The conundrum is created by the fact that it remains pending in the office of the Judge President of that Division. I will thus divert to briefly refer to the status of the s 18 appeal and thereafter return to deal with the appeal before us.

[14] Section 18(4)(a)(ii) is a distinct provision establishing a unique category of appeals, designed explicitly for orders made under s 18(3). Moreover, the application in terms of s 18(3) serves, by its nature, to regulate the interim position between litigants from the time that an order is issued until the final judgment on appeal is handed down. In addition, the s 18(4) appeal specifically allows for a single right of appeal, indicating that multiple appeals are not permitted under the section.<sup>5</sup> In my view, once the judgment of this Court on the main appeal is handed down, irrespective of the outcome thereof, the s 18(3) order and the automatic appeal in terms of s 18(4)(a)(ii) will automatically fall away. I now revert to the appeal in this Court.

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<sup>5</sup> *Tshwane Metropolitan Municipality v Vresthena (Pty) Ltd and Others* [2023] ZASCA 104; 2023 (6) SA 434 (SCA) paras 14-16, 18 and 21-23.

[15] The crisp issue before this Court is whether the respondents established review grounds for setting aside the appointment of Mr Segapo. The appellants' main contention is that on a proper interpretation of s 54A(7)(a) and (b), (8), (9), and (10) of the Municipal Systems Act, the respondents failed to establish the grounds to set aside the impugned appointment. To bring context to this argument, it is necessary to skim through the section and its subsections.

[16] The first point of reference is s 54A (1) of the Municipal Systems Act, which provides for the appointment of a Municipal Manager as head of the Council's administration.<sup>6</sup> Sections 54A (7)-(10) of the Municipal Systems Act provides that:

'(7)(a) The municipal council must, within 14 days, inform the MEC for local government of the appointment process and outcome, as may be prescribed.

(b) The MEC for local government must, within 14 days of receipt of the information referred to in paragraph (a), submit a copy thereof to the Minister.

(8) If a person is appointed as municipal manager in contravention of this section, the MEC for local government must, within 14 days of receiving the information provided for in section (7), take appropriate steps to enforce compliance by the municipal council with this section, which may include an application to a court for a declaration order on the validity of the appointment, or any other legal action against the municipal council.

(9) Where an MEC for local government fails to take appropriate steps referred to in subsection (8), the Minister may take the steps contemplated in that subsection.

(10) If the MEC for local government fails to respond to the appointment process and outcome within the timeframe, as contemplated in subsection (8), or the Minister fails to respond as contemplated in subsection (9), the appointment of the municipal manager will be deemed to be in compliance with this Act: Provided the municipal council submitted all relevant documents, as prescribed.'

<sup>6</sup> Section 54A(1) of the Municipal Systems Act provides:

'The municipal council must appoint –

(a) a municipal manager as head of the administration of the municipal council; or  
(b) an acting municipal manager under circumstances and for a period as prescribed.'

[17] Whilst the appellants pin the colours of their mast in the Municipal Systems Act, sight should not be lost of the fact that it is trite that an appointment of a Municipal Manager is a constitutional issue.<sup>7</sup> The Constitutional Court confirmed that any exercise of public power, as in the present instance, must be within the confines of the law and that a court is entitled, relying on the principle of legality, to review the exercise by a functionary of public power.<sup>8</sup> This principle applies to the exercise of all public power and is not limited to the narrow realm of administrative action.<sup>9</sup> Therefore, s 172(1) of the Constitution serves as the second relevant point of reference to be considered in this matter, which provides:

‘When deciding a constitutional matter within its power, a court-

(a) must declare that any law or conduct that is inconsistent with the constitution is invalid to the extent of its inconsistency; and.

....

[18] To substantiate their grounds of appeal, the appellants argue that the respondents, as municipal employees and councillors, lacked the standing to challenge the Municipal Manager’s appointment. They contend that the statutory enforcement under s 54A (7)-(9) is exclusive to the MEC, then the Minister. Further that, the Municipality notified the MEC about the appointment of Mr Segapo but failed to take appropriate steps to enforce compliance within 14 days after raising concerns as required by s 54A (8). The appellants also claim that the MEC’s inaction

<sup>7</sup> *Member of the Executive Council for the Department of Cooperative Governance and Traditional Affairs, KwaZulu-Natal v Nkandla Local Municipality and Others* [2021] ZACC 46; (2022) 43 ILJ 505 (CC); 2022 (8) BCLR 959 (CC) para 10. See also *Notyawa v Makana Municipality* [2019] ZACC 43; (2020) 41 ILJ 1069 (CC); 2020 (2) BCLR 136 (CC); [2020] 4 BLLR 337 (CC) para 31.

<sup>8</sup> *Pharmaceutical Manufacturers Association of SA and Another; In re Ex parte President of the Republic of South Africa and Others* 2000 (2) SA 674 (CC); 2000 (3) BCLR 241 (CC); 2000 (2) SA 674 (CC) paras 17 and 20.

<sup>9</sup> See *Judicial Service Commission and Another v Cape Bar Council and Another* [2012] ZASCA 115; 2013 (1) SA 170 (SCA); [2013] 1 All SA 40 (SCA); 2012 (11) BCLR 1239 (SCA) para 21.

rendered the appointment compliant with the presumption in s 54A (10) and the respondents' attempt to bypass this process was premature and unlawful.

[19] The appellants further challenge the validity of the review grounds upon which the high court relied to dismiss their opposition. They contend that the MEC's initial objections articulated in his correspondence, such as the purported delays in candidate screening and incomplete documentation, were thoroughly addressed by the Mayor in the response letter dated 10 May 2023, which the high court failed to consider. Concerning the irregularities associated with nepotism, the appellants assert that the respondents' case was founded on speculative assertions rather than substantiated irregularities, and that the high court erred in neglecting to consider the Mayor's rebuttal of same.

[20] I choose to promptly dismiss the grounds of appeal concerning the preliminary points raised by the appellants first, which primarily concern section 54A of the Municipal Systems Act. Firstly, the appellants' assertion that the correct interpretation of sections 54A (7) and (8) is that only the MEC has the legal standing to initiate proceedings to nullify the appointment of the Municipal Manager is unfounded. Section 34 of the Constitution affirms the right of every individual to have disputes resolved by a court of law. This matter relates to the principle of legality; therefore, constraining the Municipal Systems Act to imply that only the MEC has the standing to file a review application would lead to absurdity. The Constitution overrides the Municipal Systems Act. This conclusion also effectively addresses the appellant's delegated argument that the respondents lacked the authority to act on behalf of the MEC. An interpretation that strips the respondents of their standing to challenge a principle of legality cannot be sanctioned by our courts.

[21] The appellants' contention that the MEC's failure to act under s 54A (10) renders the review premature, is unpersuasive. Likewise, the assertion that the Mayor's letter dated 10 May 2023 fully addressed the irregularities, is unfounded. In my view, the high court was justified in intervening solely based on the MEC's failure to approve Mr Segapo's appointment. The MEC's failure to respond to the appellants' delayed submissions could not constitute an absolute obstacle to the high court's examination of significant statutory violations within the recruitment process. Additionally, there are other significant irregularities that will be discussed later, requiring urgent judicial intervention despite the high court's failure to address them explicitly. Neither the councillors nor the community should passively allow bureaucracy to override legality in their oversight role.

[22] I now address the key issue before this Court, which is whether the respondents succeeded in establishing review grounds to sustain their application before the high court. In my view, this question must be answered in the affirmative. As it will be apparent below, the respondents achieved this within the confines of the statutory, regulatory, and constitutional frameworks governing the local government.

[23] As already indicated, beyond the irregularities identified by the MEC, there are additional significant irregularities in the respondents' founding affidavit submitted to the high court, which this Court must consider. They originate from a letter written by the second respondent to the Mayor, in which she raised concerns about nepotism. The allegations involved the Mayor's close relatives and questioned his impartiality in the recruitment process. Central to these allegations is that Mr Segapo promoted the Mayor's twin brother, Mr. Arthur Groep, from swimming pool

attendant to finance clerk on 2 November 2012, and shortly thereafter, to a debt collector. Furthermore, Mr Segapo hired the Mayor's sister-in-law within a year of his tenure. These promotions occurred while the Mayor was serving as the ANC's Chief Whip. The letter also urged the Mayor to recuse himself from the recruitment process. A similar letter was sent to the Acting Municipal Manager, the Mayor, MMC Finance and Corporate Services, and the Chief Whip, outlining these irregularities. To ensure fairness and prevent conflicts of interest, the letter suggested the appointment of a recruitment agency to oversee the process, as required by Regulation 10(4).<sup>10</sup> However, as indicated earlier, these letters were ignored, and the Mayor proceeded with the process despite these concerns.

[24] Notably, in their answering affidavit, the appellants did not challenge the allegations made regarding these appointments. Instead, they characterised the concern raised by the respondents as 'a perceived indebtedness' and dismissed it as 'pure malice' and 'speculation'. Additionally, the appellants completely overlooked the issue raised regarding the perceived conflict of interest and recusal, which, on its own, casts an unsavoury light on the recruitment process as a whole.

[25] Regulation 12(5) and (6) provides:

'(5) A panel member must disclose any interest or relationship with shortlisted candidates during the shortlisting process.

'(6) A panel member contemplated in sub-regulations (3) and (4)<sup>11</sup> must recuse himself or herself from the selection panel if-

<sup>10</sup> It provides that:

'A municipality may utilise a recruitment agency to identify candidates for posts: Provided that the advertising, recruitment and selection procedures comply with these regulations.'

<sup>11</sup> These sub-regulations provide as follows:

'(3) The selection panel for the appointment of a municipal manager must consist of at least three and not more than five members, constituted as follows-

(a) the mayor, who will be the chairperson, or his or her delegate;  
(b) a councillor designated by the municipal council; and

- (a) his or her spouse, partner, close family member or close friend has been shortlisted for the post;
- (b) the panel member has some form of indebtedness to a short-listed candidate or *vice versa*; or
- (c) he or she has any other conflict of interest.<sup>12</sup>

[26] What we observe from the above, indicates a legitimate concern regarding a possible conflict of interest involving the Mayor and Mr Segapo. The Mayor's attempt to dismiss these allegations by asserting in the papers filed by the appellants that he did not reciprocate any favours to Mr Segapo, is inadequate to counter the undisputed claims of nepotistic appointments. According to the *Plascon-Evans* principle,<sup>12</sup> such denial does not satisfy the requirement of a genuine factual dispute. The reasonable perceived conflict of interest, as envisioned by the regulation, warranted a recusal or, at the least, disclosure by the Mayor. This inept conduct, regrettably, tarnished the entire recruitment process far beyond the irregularities identified by the MEC, raising eyebrows about the Mayor's impartiality in his role as a member of the recruitment panel that appointed Mr Segapo. These irregularities are within the personal knowledge of the respondents in their capacity as councillors and can be legally challenged or raised by them. In my view, the respondents were correct to persist in their argument that the Mayor's apparent indebtedness to Mr Segapo, stemming from these appointments, was an important factor that must not be overlooked.

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(c) at least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post.

(4) The selection panel for the appointment of a manager directly accountable to a municipal manager must consist of at least three and not more than five members, constituted as follows-

- (a) the municipal manager, who will be the chairperson;
- (b) a member of the mayoral committee or councillor who is the portfolio head of the relevant portfolio; and
- (c) at least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post.<sup>12</sup>

<sup>12</sup> *Plascon-Evans Paints (TVL) Ltd v Van Riebeck Paints (Pty) Ltd* 1984 (3) SA 623 (A); [1984] 2 ALL SA 366 (A); 1984 (3) SA 623; 1984 (3) SA 620.

[27] A sum total of all the above is that the appellants didn't have a leg to stand on for this Court to overturn the high court's order. In fact, the high court had ample reasons to set aside the appointment of Mr Segapo. Therefore, the appeal must fail.

[28] Regarding costs, this Court notes that the respondents argued for a punitive costs order but on an ordinary scale due to the protracted and unnecessary litigation between the parties. However, this Court acknowledges that awarding costs is a discretionary matter. While the reasons provided by the respondents for a punitive costs order have merit, this Court cannot be oblivious to the fact that the Municipality will effectively bear the costs on behalf of the other appellants if the respondents' submission is granted. There are several significant concerns aside from those expressed by the respondents that merit consideration. These are:

- (a) The high court urgently issued the order, recognising that it involves a matter of public interest.
- (b) The high court's order was minimally burdensome, merely directing the Municipality to re-advertise.
- (c) It is clear that the Municipality has been using public funds since 2023 to date to support the indefensible.
- (d) The third to fifth appellants are clinging to the benefit of the fees paid by the Municipality on their behalf, while funds that could be used by the Municipality for service delivery are clearly being drained by ongoing litigation. On the other hand, the respondents have been covering expenses out of their own pockets so far.
- (e) The Municipality and the other appellants are committed to supporting an appointment that the MEC did not approve.
- (f) The inaction of the MEC, which the appellants are clinging on to avoid addressing the ongoing occupation of the Municipal Manager's office by Mr Segapo up to this date, even after the enforcement order was granted, including their failure

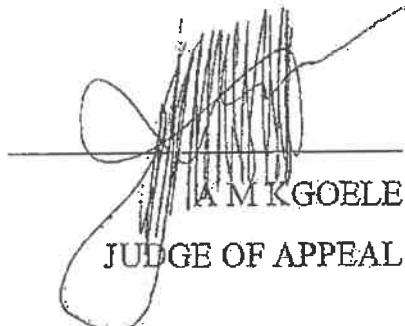
to withdraw or prosecute the appeal under s 18(4)(a)(ii), serves as a sticking point that leaves a distasteful impression of their approach to resolving the disputes.

(g) This conduct is reprehensible as it indicates a flagrant abuse of office or positions by public officials, who are acutely aware of the egregious breaches of the legal frameworks governing the local government sphere.

[29] In light of the foregoing considerations, this Court is of the view that it would be fair and consistent with the interests of justice, including the welfare of the general public, to safeguard the public purse by ordering the third to fifth appellants to personally bear the costs of this appeal and that of the application for leave to appeal. The costs should be on a party and party scale.

[30] The following order is thus made:

- 1 The appeal is dismissed.
- 2 The third to fifth appellants are ordered to personally pay the costs of this appeal, including the costs of the application for leave to appeal on a party and party scale, jointly and severally, the one paying the other to be absolved. Such costs to include costs of two counsel where so employed.



A M KGOBLE  
JUDGE OF APPEAL

TN

**Appearances**

For the appellants:

E Mokutu SC (with J H Mollentze)

Instructed by:

Du Plessis Viviers Inc., Mahikeng  
Phatshoane Henney Incorporated,  
Bloemfontein

For the first to fourth respondents:

C Z Muza (with B J Maboea)

Instructed by:

Mabapa Attorneys Inc., Pretoria  
Matlho Attorneys Inc., Bloemfontein.

TN



To: whom of may concern; naledi local municipality;  
Scoapa, saps.

*sōōapa, sōōaps.*

<sup>a</sup> H43-76

FROM  
1 concerned citizen and employee of local municipality  
Date: 18 March 2023.

Subject: Recent unlawful appointment of Segura as Municipal

Subject: Recent unlawful appointment of Segura as Municipal

Manager at Naledi and the corrupt politicians protecting him.

I write this letter to raise my concern with the ANC that appointing Segal again as Municipal Manager at Aledi is the biggest mistake ever. This will confirm our suspicions as citizens and members of the community that the ANC protects corrupt, fraudulent and unqualified people to occupy positions of power and offices of tru... under the guise of cadre deployment.

thinking

This man has no qualifications and is being appointed to advance  
steer the MEC's agenda at the expense of the community.  
This my question especially to the mayor, 'lo tshameketse mo  
bathong nako e tsele ka go nira motho a sena di pampiri'

... says: "I don't hold any relevant qualifications to occupy the position of a Municipal Manager anywhere in South Africa when I'm 50; I'm quiet before but not now anymore."

"Management courses at Wits Business School as per national treasury directives We also know that the basic enrolment requirements for this course was a diploma which he had not possess, and exceptions were made for him to enrol simply because he had already been appointed as the Municipal Manager (thanks to cadre deployment) This was the first dark cover up for the qualifications which he does not possess.

平

I am writing this for your consideration and hopefully the ANC will do the right thing. For now I remain anonymous and I urge you to keep my communications anonymous this will help you to unmask the corrupt officials at NALAWI and send in the offical of the NEC working with Disco to cover up his lack of qualifications and corruption.

supporting documents at an appropriate time. I am challenging the deployment committee to do the needful the community's hope in ANC is vanishing slowly. How can the mayor and the speaker ignore the ANC like that, and nothing happens.

Yours truly  
Anonymous

From: Anonymous

enclosed. I only send the communication strictly confidential until the delivery of further information then I shall come as a witness before any platform.

The mayor the speaker and the counsellors are all on Discos payroll. The resisted the decision of the ANC deployment committee which refused to support the appointment of Disco. we are trying to bring our application which can be heard together with or after the one T'was brought. For this reason, T'bos application is a smoke screen and may be intended to fool us. How does the office of the NEC not see that this man has no qualifications even to be a receptionist. Secondly why will the ANC consider appointing a fraudulent and corrupt candidate? In 2012 the Countying Segapo gave a land worth R100 000 to Dustymin Developers for the development of a mall in Vryburg. This money was never paid to the municipality, yet the transfer of land was made from the municipality to Dustymin according to Council Resolution 63 of 2012 you can look up for the details for yourself.

Investigations were conducted with respect to all allegations of Frau, corruption and sexism against Segapo. It is interesting that the recommendations of investigators that the Municipality should open the case with SAPS and the HAKS has vanished into thin air in abracadabra fashion.

THU, 28-NOV-83 13:33

VISTA  
UNIVERSITY

78

BLOEMFONTEIN CAMPUS  
P.O. BOX 320-  
BLOEMFONTEIN 9300  
PUBLIC OF SOUTH AFRICA  
TEL: (051) 805-1111  
FAX: (051) 805-1206

1002-13-30

כתרת מלכי מלכים

STUDENT NUMBER: 29413473  
SURNAME: SINGAPO  
FIRST NAMES: MOHAMED ABDULKARIM  
DATE OF BIRTH: 1972-01-21  
IDENTITY NUMBER: 29413473461

BLOOMINGTON  
VISTA UNIVERSITY  
BLOOMINGTON  
PO BOX 3803  
BLOOMINGTON  
IN 47402

BLOEMFONTEIN CAMPUS  
P.O. BOX 320  
BLOEMFONTEIN 9300  
REPUBLIC OF SOUTH AFRICA  
TEL: (051) 805-1111  
FAX: (051) 805-1208

STUDY FOR UNIVERSITY ADMISSION PURPOSES IN TERMS OF PARAGRAPH 17 OF THE  
STATUTE OF THE UNIVERSITY, EAST ASIA

**QUALIFICATION COMPLETED**

BUENOS MIGRACIÓN 1985-1990

FOR DIRECTOR, ACADEMIC ADMINISTRATION

VISTA UNIVERSITY  
P.O. BOX 380  
EL GATFONTEIN 6200  
TEL 051 615644

THIS DOCUMENT IS ISSUED WITHOUT ALTERATION OR ERASURES AND INCLUDES  
ALL YEARS OF REGISTRATION FOR THE STATED QUALIFICATION(S).

INNOVATIVE HIGHER EDUCATION

7N



70

This is to certify that the three-year degree

**BACCALAUREUS IURIS  
(B.IURIS)**

I hereby certify that the  
original of the

*B. J. Modise*

Chief Executive  
Bophuthatswana  
Council

was conferred this day at a  
congregation of the University  
to

**SEGAPO MODISENYANE THOMPSON**

after complying with the provisions of the Act,  
Statutes and Regulations of the University.

*H.R. Africa*

VICE-CHANCELLOR  
PROVINCIAL  
Republic of South Africa

27 MARCH 2000

Document number  
29472-73-1821/1990

*H. J. Mabuza*  
REGISTRAR

TN

*[Signature]*



012 051 9935  
076 526 3643  
086 603 5272  
mabapaattorneys@gmail.com  
www.mabapa-attorneys.co.za

UNLAWFUL  
THE SO  
Third Floor, Office 303 -  
Olivetti House  
237 Sophie De Bruyn Street,  
Pretoria Central,  
Pretoria

Practice number 16989

April 18, 2023

Our ref: **MAT0015/03/2023**

Your ref: New Matter

To:

**THE MINISTER OF COGHSTA**

Private Bag X802,

PRETORIA, 0001

87 Hamilton Street;

Arcadia, PRETORIA.

0083

MINISTRY OF COOPERATIVE GOVERNANCE  
AND TRADITIONAL AFFAIRS

2023 -01- 20

PRETORIA  
RECEIVED

Timers

Mamolokoane Be cogta.  
gov. za.

CC: **THE MEC COGHSTA**

NORTHWEST PROVINCE

NWDC Building

Corner Provident House & University Drive.

Mmabatho

NW Province

**REF: THE UNLAWFUL APPOINTMENT OF THE MUNICIPAL MANAGER OF NALEDI  
LOCALMUNICIPALITY (MR MODISENYANE SEGAPO).**

Director(s)  
MABAPA: Mahlodi Nicho  
Bachelor of Laws (LLB) – University of Limpopo  
Attorney of the High Court of the Republic of South Africa  
Aspirant Candidate Attorney  
RATHUPA: Lerato  
Bachelor of Laws (LLB) – University of South Africa (4<sup>th</sup> Year)  
Personal Assistant (PA)  
MABAPA: Gereshi Shilah

Company Registration Number: 2021/361988/21  
Postal Address:  
Postnet Suite 169, Private Bag X15  
Menlo Park, 0102

TN

1. We act on behalf of Mr. Thabo Appolus (Director of Corporate Services in Naledi Local Municipality); Cllr Lerato Sethjake, Cllr Lebogang Jacobs, and Cllr Vuyiswa Morakile (duly elected Counsellors of Naledi Local Municipal Council).
2. On or about the 10<sup>th</sup> of March 2023, a Special Council meeting was convened by Naledi Municipal Council with a single agenda item namely; the appointment of the Municipal Manager.
3. This meeting was marred with gross irregularities which include among other things flagrant disregard of the Council's Rules of Order. Furthermore, it is worth noting that the entire recruitment process was tainted with irregularities which are pleaded in the papers which we have served on your good-self which we shall not repeat herein for brevity.
4. On or about the 15<sup>th</sup> of March 2023, we issued an application seeking inter alia an order setting aside the meeting and the Resolutions of the 10<sup>th</sup> of March 2023. We also sought an order that the Municipality be ordered to readvertise the position of the municipal manager and commence the recruitment process de novo.
5. The matter served before court on the 24<sup>th</sup> of March 2023. The Respondents contended that the matter was not ripe for hearing as a report was yet to be served upon the office of the MEC who is empowered in terms of s54A of the Local Government Municipal Systems Act 32 of 2000 as amended to

Director(s):  
**MABAPA: Mahlodi Ntsho**  
 Bachelor of Laws (LLB) – University of Limpopo  
 Attorney of the High Court of the Republic of South Africa  
 Aspirant Candidate Attorney  
**RATHUPA: Lerato**  
 Bachelor of Laws (LLB) – University of South Africa (4<sup>th</sup> Year)  
 Personal Assistant (PA)  
**MABAPA: Gerseshi Shilah**

Company Registration Number: 2021/361980/21  
 Postal Address:  
 Postnet Suite 169, Private Bag X15,  
 Mando Park, 0102

TN



decline to give consent to the appointment of the Municipal manager and to among other things bring an application for a declaratory order.

6. They submitted further that the report on the appointment of the Municipal Manager had just been submitted the previous day being the 23<sup>rd</sup> of March 2023 hence the matter was not ripe for hearing.
7. It is on the strength of this argument that the Court struck off the matter from the roll for want of urgency. The MEC was in possession of this application as he had been served. However, he elected not to participate in the proceedings.
8. Relevant provisions of s 54A of the Act read as follows:

54 A (3) A decision to appoint a person as municipal manager, and any contract concluded between the municipal council and that person in consequence of the decision, is null and void if—

- (a) the person appointed does not have the prescribed skills, expertise, competencies or qualifications; or
- (b) the appointment was otherwise made in contravention of this Act...

(7) (a) The municipal council must, within 14 days, inform the MEC for local government of the appointment process and outcome, as may be prescribed.<sup>1</sup>

(b) The MEC for local government must, within 14 days of receipt of the information referred to in paragraph (a), submit a copy thereof to the Minister.

<sup>1</sup> See also Regulation 17 (3) of the Regulations.

Director(s)  
MABAPA: Mahlodzi Ntsho  
Bachelor of Laws (LLB) – University of Limpopo  
Attorney of the High Court of the Republic of South Africa  
Aspirant Candidate Attorney  
RATHUPA: Lerato  
Bachelor of Laws (LLB) – University of South Africa (4<sup>th</sup> Year)  
Personal Assistant (PA)  
MABAPA: Gcetshi Shilati

Company Registration Number: 2021/361988/21  
Postal Address:  
Postnet Suite 169, Private Bag X15  
Menlo Park, 0102

(8) If a person is appointed as municipal manager in contravention of this section, the MEC for local government must, within 14 days of receiving the information provided for in subsection (7), take appropriate steps to enforce compliance by the municipal council with this section, which may include an application to a court for a declaratory order on the validity of the appointment, or any other legal action against the municipal council.

(9) Where an MEC for local government fails to take appropriate steps referred to in subsection (8), the Minister may take the steps contemplated in that subsection.

(10) If the MEC for local government fails to respond to the appointment process and outcome within the timeframes, as contemplated in subsection (8), or the Minister fails to respond as contemplated in subsection (9), the appointment of the municipal manager or acting municipal manager will be deemed to be in compliance with this Act. Provided the municipal council submitted all relevant documents, as prescribed.

9. In accordance with the s 54A (7) of the Act and the Regulations 17 (3) the report was submitted to the MEC on or about the 23<sup>rd</sup> of March 2023. The MEC ought to have taken appropriate steps as contemplated in s54A (8) as the Municipal Manager was appointed in contravention of the Act.
10. The 14 days within which the MEC was supposed to take the appropriate steps lapsed on or about the 14<sup>th</sup> of April 2023. In terms of the section 54A (10) it is deemed that the appointment was in accordance with the Act.
11. We demand that the Honourable Minister exercises her statutory powers and obligations in accordance with section 54 A (9) of the Act since the MEC has refused, failed and or neglected to act in accordance with section 54A(8).

Director(s),  
**MABAPA: Mahlozi Nicho**  
 Bachelor of Laws (LLB) – University of Limpopo  
 Attorney of the High Court of the Republic of South Africa  
 Aspirant Candidate Attorney  
**RATHUPA: Lerato**  
 Bachelor of Laws (LLB) – University of South Africa (4<sup>th</sup> Year)  
 Personal Assistant (PA)  
**MABAPA: Gereshi Shiloh**

Company Registration Number: 2021/361068/21  
 Postal Address:  
 Postnet Suite 169, Private Bag X15  
 Melio Park, 0102

TN



12. It is also worth noting that Mr. Modisenyane Segapo does not have the requisite qualifications to be appointed as a Municipal manager. This also shows that even his previous appointments were unlawful.

13. If the Honourable Minister fails, refuses and/or neglects to act in accordance with the Act and within 14 days of receipt of this letter as we hereby demand, we shall be left with no option but to:

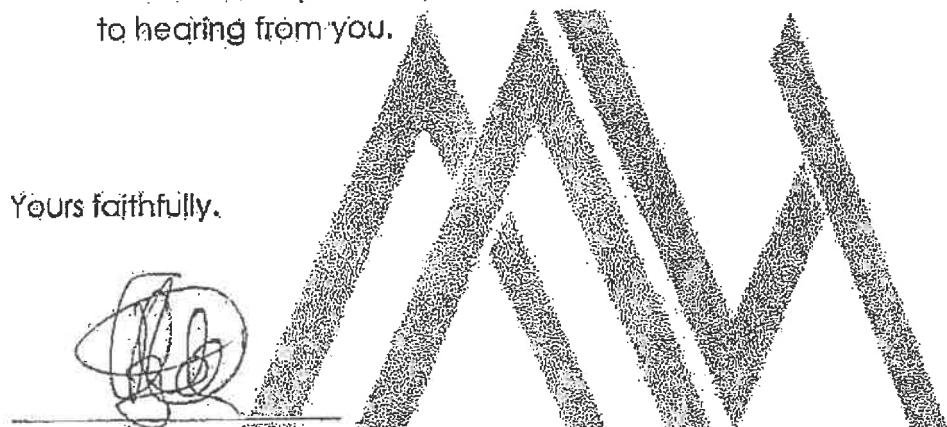
13.1. Bring an application for the Honourable Minister's joinder to the proceedings which have served on your good self.

13.2. Simultaneously bring an application to amend our papers to review and set aside the decision/failure to make a decision by the MEC in terms of the Act. And also, to review and set aside the Ministers' decision/ failure to make a decision in terms of the Act.

13.3. We shall also be seeking an adverse punitive cost order.

14. We trust that you will find the above to be in order. We are looking forward to hearing from you.

Yours faithfully,



**MN Mabapa Inc. Attorneys**  
Per: Mr. Mabapa MN

Director(s)  
MABAPA: Mahlobo Ntsho  
Bachelor of Laws (LLB) – University of Limpopo  
Attorney of the High Court of the Republic of South Africa  
Aspirant Candidate Attorney  
RATHUPA: Lerato  
Bachelor of Laws (LLB) – University of South Africa (4<sup>th</sup> Year)  
Personal Assistant (PA)  
MABAPA: Gareeshi Shilati

Company Registration Number: 2021/361988/21  
Postal Address:  
Postal Suite: 159, Private Bag X15  
Menzil Park, 0102

TN



IN THE HIGH COURT OF SOUTH AFRICA  
NORTHWEST DIVISION; MAHIKENG.

85

In the matter between:

CASE No.UM 53/2023

THABO APPOLUS

1<sup>st</sup> Applicant

CLERATO SETHLAKE

2<sup>nd</sup> Applicant

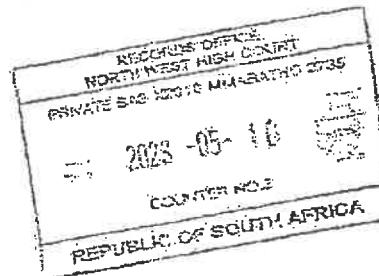
CLERATO SETHLAKE

3<sup>rd</sup> Applicant

CLERATO SETHLAKE

4<sup>th</sup> Applicant

CLERATO SETHLAKE



And:

NALEDI LOCAL MUNICIPALITY

1<sup>st</sup> Respondent

NALEDI LOCAL MUNICIPAL COUNCIL

2<sup>nd</sup> Respondent

NELSON MONGALE N.O  
(former Acting Municipal Manager)

3<sup>rd</sup> Respondent

CLLR PGC GULANE N.O (Speaker of Council)

4<sup>th</sup> Respondent

CLLR GROEP N.O (Mayor)

5<sup>th</sup> Respondent

MR MODISENYANE SEGAPO N.O  
(Newly appointed Municipal Manager)

6<sup>th</sup> Respondent

THE MEC FOR COOPERATIVE GOVERNANCE HUMAN  
SETTLEMENT AND TRADITIONAL AFFAIRS  
NORTHWEST PROVINCE

7<sup>th</sup> Respondent

SOUTH AFRICAN LOCAL GOVERNMENT  
ASSOCIATION (SALGA)

8<sup>th</sup> Respondent

PROVINCIAL TREASURY

9<sup>th</sup> Respondent

Document filed By  
TMA 1085914

TN

NORTHWEST PROVINCE

86

FILING SHEET- REQUEST FOR DECISION

Document filed : LETTER TO MEC OF COGTA (requesting decision)

Filed by : MABAPA ATTORNEYS

Date of filing : 9th of May 2023

THUS, SIGNED and date at PRETORIA on this the 9th day of May 2023.



MABAPA ATTORNEYS  
(Attorneys for the Applicant)  
237 Sophie Du Bruyn Street  
302-303 Olivetti House  
Email: [mabapattorneys@gmail.com](mailto:mabapattorneys@gmail.com)  
C/O TMK ATTORNEY'S INC  
No: 11 Shippard Street

Opposite JOF

Mahikeng

Email: [flotc@tmkattorneys.co.za](mailto:flotc@tmkattorneys.co.za)

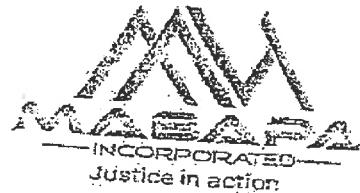
REF: MAT0015/03/2023

To: THE MEC COGTA  
NORTHWEST PROVINCE  
NWDC Building  
Cnr Provident House & University Drive,  
Mmabatho

(by hand)  
M. Tshepe  
10/05/2023

TN





## THE FLOOR OF THE BUTTERHOUSE

May 9, 2023

Our ref: MAT0015/03/2023

Your ref: New Matter

To:  
THE MEC COGTA  
NORTHWEST PROVINCE  
NWDC Building  
Cnr Provident House & University Drive,  
Mmabatho

(by hand)

Cc: Minister of COGTA  
Private Bag X802,  
PRETORIA, 0001  
87 Hamilton Street  
Arcadia, Pretoria;  
0083.

(per email)

REF: THE UNLAWFUL APPOINTMENT OF THE MUNICIPAL MANAGER OF  
NALEDI LOCAL MUNICIPALITY (MR MODISENYANE SEGAPO).

1. The above matter refers:
2. We act on behalf of Mr. Thabo Aeopolus (Director of Corporate Services in Naledi Local Municipality); Cllr. Leorato Sethlake, Cllr. Lebogang Jacobs, and Cllr. Vuyiswa Morakile (duly elected Counsellors of Naledi Local Municipal Council).
3. It is our clients' instruction that we request the MEC's decision following the submission of the report (pertaining to the appointment of Mr. Segapo, the Municipal Manager at Naledi Municipality) which report was submitted in accordance with

Street(s):  
NABA PA (Mofat) (Napa).  
Bachelor of Laws (LLB) – University of Limpopo  
Admission of the High Court of the Republic of South Africa  
Applicant Candidate Attorney  
BATHURST, Lorraine  
Bachelor of Laws (LLB) – University of South Africa (4th Year)  
Personal Qualifications  
NRALEPA (Member of SA Law  
Society)

Company Registration Number 2021153 (SC2021153)  
Postnet Address:  
Postal Suite 160, Private Bag X126  
Mamelodi, Pretoria, 1600

—TN

Section 54A (7) of the a Local Government Municipal Systems Act 32 of 2000 and the Regulations 17 (3)) on the 23<sup>rd</sup> of March 2023.

4. We anticipate your reply within 5 working days failure of which we shall lodge an application for joinder (joining the Minister of Cogta) and legal costs thereof shall be borne by your office.
5. We hope that you find the above in order and await your reversion.

Yours faithfully,

MN.Mabape Inc. Attorneys  
Per: Mr. Mabape MN

Signature:  
M. N. Mabape  
Bachelor of Law  
University of Limpopo  
Attorney of the High Court of the Republic of South Africa  
Admitted Counsel, Attorney  
PMPAAT Limpopo  
Enrolment Law (LLB) - University of Limpopo Africa (2<sup>nd</sup> Year)  
Practical Assistant (PA)  
NPA (PA) Goroka, Uganda

Opposing Registration Number: 2020/0214329  
Postal Address: P.O. Box 4000  
Mashonaland, Zimbabwe

TN



---

**THABO APPOLUS & OTHERS // NALEDI LOCAL MUNICIPALITY & OTHERS**

---

Mahlodi Nicho Mabapa <mabapaattorneys@gmail.com>  
To: Lesego Mathe <LLMathe@nwp.gov.za>  
Cc: tlolto@tmkattorneys.co.za

Thu, Jun 1, 2023 at 1:14 PM

Good day Sir/s,

Extremely urgent

The above matter refers.

Kindly find the attached letter for your attention and records.

We hope that you find this in order.

Regards,

**MN Mabapa Inc.**

The information in this message is confidential and may be legally privileged. It is intended solely for the addressee. Access to this message by anyone else is unauthorised. If you are not the intended recipient, any disclosure, copying or distribution of the message, or any action or omission taken by you in reliance on it, is prohibited and may be unlawful. Please contact the sender immediately if you received this message in error.

[Quoted text hidden]

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 letter to MEC OF COGTA NORTHWEST.pdf  
208K

TN



90

June 1, 2023

Our ref: **MAT0015/03/2023**

Your ref:

**TO: MEC OF COGTA**  
2<sup>ND</sup> Floor Wing West  
Garona Building  
North West Province

(per email: [llmathe@nwp.gov.za](mailto:llmathe@nwp.gov.za))

***RE: APPOINTMENT OF THE MUNICIPAL MANAGER OF NALEDI MUNICIPALITY  
(Mr Segapo)***

1. The above matter your and response to our letter refer.
2. We kindly request your good office to furnish us with the further step which you intend to take following your report on the recruitment and appointment of Mr Segapo as the MM of Naledi Municipality;
3. We kindly bring it to your attention that your failure to seek a declaratory order following your report dated 11<sup>th</sup> of April 2023 is prejudicial to the Municipality as an entity since an illegitimate Municipal Manager continuous to make decisions on behalf of the Municipality.

**Director(s)**

MABAPA: Mahlodi Nicho

Bachelor of Laws (LLB) – University of Limpopo

Attorney of the High Court of the Republic of South Africa

Aspirant Candidate Attorney

RATHUPA: Lerato

Bachelor of Laws (LLB) – University of South Africa (4<sup>th</sup> Year)

Personal Assistant (PA)

MABAPA: Gereshi Shiloh

Company Registration Number: 2021/361988/21

Postal Address:

Postnet Suite 169, Private Bag X15  
Menlo Park, 0102

TN



4. We kindly advise you that we hold instructions to pursue the matter which is already before the court of law to which you are part of.
5. We hope that you find this in order and await your urgent reversion by end of business tomorrow.
6. In the event that you do not furnish us with your position by end of business tomorrow our instructions are that we approach the court on urgent basis and costs shall be borne by your office.

7. Yours faithfully,

**MN Mabapa Inc. Attorneys**  
Per: Mr. Mabapa MN



**Director(s)**

**MABAPA:** Mahloedi Ntsho

Bachelor of Laws (LLB) – University of Limpopo  
Attorney of the High Court of the Republic of South Africa  
Aspirant Candidate Attorney

**RATHUPA:** Lerato

Bachelor of Laws (LLB) – University of South Africa (4<sup>th</sup> Year)  
Personal Assistant (PA)

**MABAPA:** Gereshi Shilah

Company Registration Number: 2021/361988/21

Postal Address:

PosNet Suite 169, Private Bag X15  
Menlo Park, 0102

TN





COGTA

Department:  
Cooperative Governance and  
Traditional Affairs  
North West Provincial Government  
REPUBLIC OF SOUTH AFRICA

ANNEXURE *THIS*



## OFFICE OF THE HOD

2nd Floor West Wing, University Drive  
Garora Building  
Private Bag X 2145, Mmabatho, 2735  
Tel: +27 (0) 18 388 2892

House No. 1 Lowe Complex, Old Parliament, Mmabatho, 2735  
Chief Directorate: Traditional Affairs, Private Bag X2005  
Mmabatho, 2735  
Tel: +27 (0) 18 388 4494 Fax: +27 (0) 86 651 7885

**MABAPA INCORPORATED  
THIRD FLOOR, OFFICE 303  
OLIVETTI HOUSE  
PRETORIA**

Your ref: MAT0015/03/2023

Dear Sir

**REF: APPOINTMENT OF THE MUNICIPAL MANAGER OF NALEDI LOCAL MUNICIPALITY (MR MODISENYANE SEGAPO)**

1. We refer to your letter dated 09 May 2023.
2. Kindly find attached MEC's letter to Naledi Local Municipality on the appointment of the municipal manager.

Kind regards

**DR MS BOLE**

**HEAD OF DEPARTMENT**

DATE: 30/05/2023

Let's Grow North West Together

TN



## MUNICIPAL ADMINISTRATION

2nd Floor West Wing, University Drive  
Garona Building  
Private Bag X2145, Mmabatho, 2735  
Tel: +27 (0) 18 388 2892

House No. 1 Lowe Complex, Old Parliament, Mmabatho, 2735  
Chief Directorate: Traditional Affairs, Private Bag X2005  
Mmabatho, 2735  
Tel: +27 (0) 18 388 4494 Fax: +27 (0) 86 651 7885

Enquiries: DH Moate  
Tel: 018 388 4377

11 APRIL 2023

### THE MAYOR

NALEDI LOCAL MUNICIPALITY  
P.O.BOX 35  
VRYBURG  
8600

ATTENTION: CLLR CJ GROEP

**SUBJECT: REPORT ON THE PROCESS OF APPOINTING THE MUNICIPAL MANAGER AT NALEDI LOCAL MUNICIPALITY.**

1. Your report dated 23 March 2023 refers,
2. The appointment report as submitted has been evaluated against the requirements of the Local Government Municipal Senior management Regulations as follows,

#### 2.1 PRESCRIBED PROCESS – EVALUATION OF PROCESS MATTERS.

The MEC confines himself with the procedural and substantive requirements in so far as it relates to the appointment of municipal senior managers by focusing on the documents submitted as per Reg. 17(4).

#### Evaluation of process matters- Timelines

Reg.	Activity	Actual	Comments
10(1)	Advertisement placed on the newspaper (city press)	23/10/2022	Compliant(National News Paper)

TN

## RESPONSE LETTER TO NALEDI LM – APPOINTMENT REPORT OF THE MUNICIPAL MANAGER

10(3)(k)	Closing date of advert (min 14 and max 30 days)	07/11/2022	Compliant(14 Days)
13(2)	Shortlist within 30 days	09/11/2022	Complaint (4 Days)
14(1)	Screening within 21 days of shortlisting	18/11/2022	Compliant (7 Days)
15(1)	Conduct interviews with 21days of screening	25/01/2023	Non-compliant (44 days)

Summary of Outcome

The appointment report partially complies with the prescribed content requirements. The issues of non-compliance are the following:

- Interviews were conducted 44 days after screening process, which is more by 23 days of screening process and that is in contravention to Reg. 15(1) on appointment and conditions of employment of Senior Managers.
- The screening report is attached but incomplete, there is no letter from National Cogta or evidence from the municipality that the request for screening was sent to National Cogta.
- MIE screening result is dated 1<sup>st</sup> July 2021 which is prior the vacancy date (31 October 2022).
- Minutes of shortlisting non-Compliant, those attached not mentioning the shortlisted candidates. The minutes only speaks to re-advertisement.
- Minutes of the interviews non-Compliant, not mentioning the top three candidates and those recommended for competency assessment.
- No written confirmation attached by the successful candidate that he does not hold political office.
- The term of contract as reflected on the letter of appointment is non-compliant as it exceeds the term of Council by 4 months

In overall the recruitment process partially complies with the prescribed requirements.

## RESPONSE LETTER TO NALEDI.LM – APPOINTMENT REPORT OF THE MUNICIPAL MANAGER

## 2.2 QUALIFICATIONS, EXPERIENCE AND COMPETENCIES

Comparable competency profile and the incumbent's qualifications for the post of the municipal manager.

Prescribed qualifications and experience as per Annexure B	Mr MT Segapo	Comments
Qualifications Bachelor Degree in Public Administration/Management Sciences/Social Sciences/Law or equivalent.	Qualifications • B Juris Degree • Municipal Financial Development Programme	Compliant, qualifications are consistent with Annexure B to the regulations.
Experience 5 years' experience at senior management level.	Experience More than 5 Year Senior Management Experience,	Compliant
Competency	Competent	Complies
<b><u>Assessment outcome of Annexure B to the Regulations</u></b>		<ul style="list-style-type: none"> <li>• Qualifications – In line with Annexure B</li> <li>• Years of Experience – Compliant</li> <li>• Competency – Competent</li> </ul>
		<ul style="list-style-type: none"> <li>• Compliant</li> <li>• Compliant</li> <li>• Compliant</li> </ul>

**Response.** According to the information at my disposal the recruitment process partially complies with the prescribed requirements of the Regulations on appointment and conditions of employment of Senior Managers, therefore it is not supported.

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RESPONSE LETTER TO NALEDI LM – APPOINTMENT REPORT OF THE MUNICIPAL MANAGER

Regards

Muz

HON. PDN MALOYI  
MEC COGSHTA

26/04/23

DATE

Let's grow North West Together

TM

LS

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## THABO APPOLUS & OTHERS // NALEDI LOCAL MUNICIPALITY & OTHERS

---

Lesego Mathe <LL.Mathe@nwp.gov.za>  
To: mabapaattorneys@gmail.com  
Cc: tlollo@lmkattorneys.co.za

Tue, May 30, 2023 at 3:35 PM

Good day

Please find the attached letter as requested.

Kind regards  
Lesego Mathe

---

 BRN3C2AF4408035\_004686.pdf  
874K

TN



IN THE HIGH COURT OF SOUTH AFRICA  
NORTH WEST DIVISION, MAHIKENG

CASE NO: UM199/2023

In the matter between:-

THABO APPOLUS	1 <sup>st</sup> Applicant
Clir LORATO SETHLAKE	2 <sup>nd</sup> Applicant
Clir LEBOGANG JACOBS	3 <sup>rd</sup> Applicant
Clir VUYISWA MORAKILE	4 <sup>th</sup> Applicant
NELSON MONGALE N.O	5 <sup>th</sup> Applicant

And

NALEDI LOCAL MUNICIPALITY	1 <sup>st</sup> Respondent
NALEDI LOCAL MUNICIPAL COUNCIL	2 <sup>nd</sup> Respondent
CLLR PGC GULANE N.O (Speaker of Council)	3 <sup>rd</sup> Respondent
CLL J GROEP N.O (Mayot)	4 <sup>th</sup> Respondent
MR MODISENYANE SEGAPO N.O (Newly appointed Municipal Manager)	5 <sup>th</sup> Respondent

THE MEC FOR COOPERATIVE GOVERNANCE  
HUMAN SETTLEMENT AND TRADITIONAL AFFAIRS  
NORTH WEST PROVINCE

6<sup>th</sup> Respondent

Compiled by: Mr M Nkebini  
Tel Number : 068 431 3166  
Cell No : 018 - 384 0298

TN



SOUTH AFRICAN LOCAL GOVERNMENT  
ASSOCIATION (SALGA)

99  
7<sup>th</sup> Respondent

PROVINCIAL TREASURY  
NORTH WEST PROVINCE

8<sup>th</sup> Respondent

---

NOTICE TO ABIDE

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PLEASE TAKE NOTE that the 6<sup>th</sup> Respondent will abide by the decision of this Honourable Court's decision.

DATED AT MMABATHO ON THIS THE 23<sup>rd</sup> DAY OF APRIL 2024



The State Attorney  
6<sup>th</sup> Respondent's Attorneys  
Cnr Sekame Road  
1<sup>st</sup> Floor, East Gallery  
Megacity Complex  
MMABATHO  
Private Bag X51  
MMABATHO, 2735  
Enq: Mr M Nkabini  
Our Ref: 0811/24/P15  
Tel: (018) 384 0161/0269  
Email: [MNkabini@justice.gov.za](mailto:MNkabini@justice.gov.za)

To : The Registrar of the above  
High Court  
MAHIKENG

And to: MABAPA ATTORNEYS INC  
Applicant's Attorneys  
237 Sophie De Bruyn  
302 – 303 Olivetti House  
PRETORIA CENTRAL

C/O MOKONE ATTORNEYS INC.  
Email: [mabapaattorneys@gmail.com](mailto:mabapaattorneys@gmail.com)  
[amuza@mabapainc.co.za](mailto:amuza@mabapainc.co.za)

COPY RECEIVED WITHOUT PREJUDICE  
DATE: 24/04/2024  
TIME: 14:11  
SIGNED BY: AMUZA  
MOKONE ATTORNEYS INC.

TN



100

And to:

**DU PLESSIS VIVIERS**  
Attorneys for the 1<sup>st</sup> to 5<sup>th</sup> Applicants  
136 Market Street  
**VRYBURG**  
Tel: 053 – 927 1045  
Mr L Renoster

**C/O SMIT NEETHLING**  
29 Warren Street  
**MAHIKENG**  
Tel: 018 – 381 0180  
Fax: 018 – 381 3386  
Ref: NJ/NAL5/0026/2023/LJVR

TN



ANNEXURE  
**IN THE HIGH COURT OF SOUTH AFRICA**  
**NORTH WEST DIVISION, MAHIKENG**

**CASE NO: UM199/2023**

In the matter between:-

<b>THABO APPOLUS</b>	<b>1<sup>st</sup> Applicant</b>
<b>Cllr LORATO SETHLAKE</b>	<b>2<sup>nd</sup> Applicant</b>
<b>Cllr LEBOGANG JACOBS</b>	<b>3<sup>rd</sup> Applicant</b>
<b>Cllr VUYISWA MORAKILE</b>	<b>4<sup>th</sup> Applicant</b>
<b>NELSON MONGALE N.O</b>	<b>5<sup>th</sup> Applicant</b>

And

<b>NALEDI LOCAL MUNICIPALITY</b>	<b>1<sup>st</sup> Respondent</b>
<b>NALEDI LOCAL MUNICIPAL COUNCIL</b>	<b>2<sup>nd</sup> Respondent</b>
<b>CLLR PGC GULANE N.O (Speaker of Council)</b>	<b>3<sup>rd</sup> Respondent</b>
<b>CLL J GROEP N.O (Mayot)</b>	<b>4<sup>th</sup> Respondent</b>
<b>MR MODISENYANE SEGAPO N.O</b> <i>(Newly appointed Municipal Manager)</i>	<b>5<sup>th</sup> Respondent</b>

**THE MEC FOR COOPERATIVE GOVERNANCE  
HUMAN SETTLEMENT AND TRADITIONAL AFFAIRS  
NORTH WEST PROVINCE**

**6<sup>th</sup> Respondent**

*Compiled by: Mr M Nkabini  
Tel Number : 068 431 3166  
Cell No : 018 – 384 0298*

*TN*

*[Signature]*

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SOUTH AFRICAN LOCAL GOVERNMENT  
ASSOCIATION (SALGA)

7<sup>th</sup> Respondent

PROVINCIAL TREASURY  
NORTH WEST PROVINCE

8<sup>th</sup> Respondent

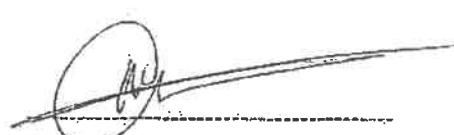
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FILING NOTICE

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DOCUMENTS FILED : SEVENTH RESPONDENT'S ANSWERING  
AFFIDAVIT

DATED AT MMABATHO ON THIS THE 03 DAY OF DECEMBER 2024



The State Attorney  
7<sup>th</sup> Respondent's Attorneys  
Cnr Sekame Road  
1<sup>st</sup> Floor, East Gallery  
Megacity Complex  
MMABATHO  
Private Bag X51  
MMABATHO, 2735  
Enq: Mr M Nkabini  
Our Ref: 0811/24/P15  
Tel: (018) 384 0161/0269  
Email: [MNkabini@justice.gov.za](mailto:MNkabini@justice.gov.za)

To : The Registrar of the above  
High Court  
MAHIKENG

TN



And to: **MABAPA ATTORNEYS INC**  
 Applicant's Attorneys  
 237 Sophie De Bruyn  
 302 – 303 Olivetti House  
**PRETORIA CENTRAL**

**C/O MOKONE ATTORNEYS INC.**  
 Email: [mabapaattorneys@gmail.com](mailto:mabapaattorneys@gmail.com)  
[amuza@mabapainc.co.za](mailto:amuza@mabapainc.co.za)

And to: **DU PLESSIS VIVIERS**  
 Attorneys for the 1<sup>st</sup> to 5<sup>th</sup> Applicants  
 136 Market Street  
**VRYBURG**  
 Tel: 053 – 927 1045  
 Mr L Renoster

**C/O SMIT NEETHLING**  
 29 Warren Street  
**MAHIKENG**  
 Tel: 018 – 381 0180  
 Fax: 018 – 381 3386  
 Ref: NJ/NAL5/0026/2023/LJVR

4.3.25  
 12.35  
 D  
 LFS ATTORNEYS INC.  
 ATTORNEYS / PROKUREURS  
 P.O. BOX 1 / POSBUS 117 / 397  
 29 WARREN ST. MAFIKENG, 2745  
 TEL: (018) 381 0180/1/2/3  
 Fax: (018) 381 3386

COPY RECEIVED WITHOUT PREJUDICE  
 DATE: 09/03/2025  
 TIME: 12:41  
 SIGNED BY: Jumi  
 MOKONE ATTORNEYS INC.

Jumi

TN

Jumi

104  
IN THE HIGH COURT OF SOUTH AFRICA

(NORTHWEST DIVISION, MAHIKENG)

CASE NO: 199/2023

In the matter between:

THABO APPOLUS	First Applicant
CLLR LORATO SETLHAKE	Second Applicant
CLLR LEBOGANG JACOBS	Third Applicant
CLLR VUYISWA MORA KILE	Fourth Applicant
NELSON MONGALE N.O.	Fifth Applicant

And

NALEDI LOCAL MUNICIPALITY	First Respondent
NALEDI LOCAL MUNICIPALITY COUNCIL	Second Respondent
CLLR P G G GULANE N.O.	Third Respondent
CLLR J GROEP N.O.	Fourth Respondent
MR MODISENYANE SEGAPO N.O	Fifth Respondent
MR EXCINIA MAKGAHLELA	Sixth Respondent
THE MEC FOR COOPERATIVE GOVERNANCE	Seventh Respondent
HUMAN SETTLEMENTS & TRADITIONAL AFFAIRS	
NORTHWEST PROVINCE	
SOUTH AFRICAN LOCAL GOVERNMENT	Eighth Respondent
ASSOCIATION	
PROVINCIAL TREASURY	Ninth Respondent

TN

14/09

## NORTHWEST PROVINCE

## SEVENTH RESPONDENT'S ANSWERING AFFIDAVIT

I, the undersigned

**MOKOTEDI SAMUEL BOLE**

do hereby declare under oath state as follows:

**INTRODUCTION**

1.

I am an adult male Head of Department and accounting officer in the employ of the seventh Respondent cited herein, at 02<sup>nd</sup> Floor, West Wing, University Drive, Ga Rona Building, Mafikeng, whose duties entail involvement in the processes of appointment senior managers in the Municipalities within the Northwest Province.

2.

I confirm that the facts deposed herein are, unless the context indicates the contrary, within my personal knowledge and save as may otherwise appear from the context hereof, are to the best of my knowledge and belief, both true and correct.

3.

I have personal knowledge of the facts of the matter by virtue of being the Accounting Officer whose duties also entail involvement in the processes of appointment senior managers in the Municipalities within the Northwest Province.

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4.

In addition to the above, I have consulted and engaged with the legal officers within the Provincial Department and appointed legal representatives. In so far as I may advance submissions of a legal nature in this affidavit, I do so on the advice of the legal advisors, which advice I verily believe to be correct.

5.

Where I make certain allegations which appear to be inconsistent with what I have deposed to in this affidavit, to the extent of such inconsistencies, such allegations should not be construed as an admission, but as a denial thereof.

6.

Where I make reference to information that is not within my personal knowledge, confirmatory affidavits will be attached.

7.

Where it is not possible to obtain confirmatory affidavits from any persons relevant to this application, and to the extent to which the Applicant may seek to argue that any of the averments I make herein constitutes hearsay evidence, I respectfully request this Honourable Court to accept as admissible such averments in terms of section 3

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of the Law of Evidence Amendment Act, 45 of 1998. I am advised that a legal argument in this regard will be made in court.

8.

I have read the applicants' Notice of Motion and the Founding Affidavit. To the extent that the Respondents are properly cited, I have noted that as far as it can be gleaned from the notice of motion and the Founding Affidavit, the MEC FOR COOPERATIVE GOVERNANCE, HUMAN SETTLEMENTS AND TRADITIONAL AFFAIRS ("the MEC") is cited as the 07<sup>th</sup> Respondent in the Notice of Motion and the 06<sup>th</sup> Respondent in the Founding Affidavit. I have also noted the Applicants approach the above Honourable Court seeking orders in various terms, with only order 4 being relief sought against the 7<sup>th</sup> Respondent in the following terms:

- 8.1. The order relating to urgency was dealt with by this Honourable Court on the 06<sup>th</sup> of December 2024, which was found to be self-created and the matter struck from the roll for lack of urgency.
- 8.2. The 7<sup>th</sup> Respondent be ordered to ensure that the Municipality and its officials comply with this order read together with the Judgement dated 19<sup>th</sup> of September 2023, 17 November 2023, the 18<sup>th</sup> March 2024 and the 15<sup>th</sup> of July 2024 under case number UM199/2023; UM53/2023.

9.

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I have read the application papers together with annexures thereto as deposited to and filed by the Applicants and the purpose of this affidavit is to oppose the purported urgent application, in particular, order 4 sought in the Notice of Motion.

10.

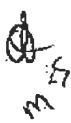
I further submit that the allegations made by the Applicants in the Notice of Motion and the Founding Affidavit are not in every respect true and correct and before responding to this affidavit *ad seriatum*, I wish to deal with the general responses to this application and wish to provide a brief background as set out hereunder.

11.

#### **BRIEF BACKGROUND AND BASIS OF OPPOSITION**

- 11.1. It is axiomatic that while the Notice of Motion lists 4 orders sought against the Respondents, the relief sought against the 07<sup>th</sup> Respondent is only in respect of Order 4 which seeks to order the MEC to ensure that the Municipality and its officials comply with the order and judgements dated 19<sup>th</sup> of September 2023; 17 November 2023; 18<sup>th</sup> of March 2024 and 15<sup>th</sup> of July 2024 issued under Case numbers UM199/2023 and UM53/2023.
  
- 11.2. The Office of the MEC takes a dim view of the state of affairs as the continued occupation of the position of the Municipal Manager by a discredited official puts the Municipality in a precarious risk of exposure to challenges of decisions made.

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11.3. The position of Municipal Manager is key as it plays a pivotal role to managing operational efficiency of the Municipality. While concession is made that the appeals that are underway do not have a bearing on the removal of Mr Segapo as Municipal Manager, his continued occupation of the position of Municipal Manager notwithstanding his removal, puts the Municipality in a precarious situation of exposure to a flurry of litigation challenging his tainted decisions.

11.4. The MEC shares a view that the matter of the removal of the 05<sup>th</sup> Respondent as a Municipal Manager should be treated with the urgency it deserves to pave a way for recruitment and a proper process of appointing a Municipal Manager.

11.5. The 07<sup>th</sup> Respondent opposes the granting of the relief sought as per order 4 of the Notice of Motion. While the matter of contempt is being prosecuted, the Municipality is saddled with a Municipal Manager who continues to make decisions that bind the Municipality.

12.

#### RELIEF SOUGHT

12.1. It is axiomatic that urgency was dealt with by the court on the 06<sup>th</sup> of December 2024 when it made an order that the application can be

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prosecuted in due course as urgency is self-created. The application was accordingly struck from the urgent roll.

12.2. It is common cause that notwithstanding the fact that the Seventh Respondent raised a preliminary point of non-compliance with Rule 41A of the Uniform Rules of Court, the urgent court did not deal with it as its focus was on the existence or lack of urgency. The Seventh Respondent persists on the point, which is articulated below.

13.

### **PRELIMINARY POINTS**

I will now deal with the remaining preliminary point and thereafter deal with the defence and/or grounds of opposition and then respond *ad seriatim* to the Applicants' averments as they are made in the Founding Affidavit:

#### **13.1. Non-Compliance With the Provisions of Rule 41A**

Compliance with Rule 41A is peremptory in the following respects:

13.2.1. In terms of the provisions of Rule 41A, in particular Rule 41A(2)(b) of the Uniform Rules of Court, an Applicant in a motion proceeding is compelled to file a prescribed Rule 41A Notice of agreeing or opposing mediation, before Notice of Motion is issued. Should the Applicants decide to oppose mediation, then it will have to clearly and

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concisely indicate reasons in its Notice that the matter is or is not capable of being mediated.

- 13.2.2. The purpose of the amendment to the Rules and the introduction of Rule 41A, is primarily not to disclose the parties' positions with regards to mediation to the judge at the time of the hearing of the motion proceedings and/or action, but rather before issuing of the papers.
- 13.2.3. However, at the time of issuing this application, the Applicants failed and/or neglected to comply with the provisions of Rule 41A, and to file a notice as compelled therein.
- 13.2.4. Compliance with Rule 41A is peremptory as the contemplated notice should be served on each Defendant or Respondent together with the summons or notice of motion. Rule 41A cannot be dispensed with simply because the application is brought on an urgent basis. Rule 6(12) is expressly clear that in an urgent application, the court or a judge may dispense with the forms and service provided in the rules and may dispose of the matter as the court or judge deems fit, given the circumstances. It is trite that the mere existence of some urgency cannot justify an applicants' deviation from existing rules.
- 13.2.5. Considering the Applicants' explanation regarding the chronology of events leading to the application since the order granted by Her Ladyship Reid J on the 15<sup>th</sup> of July 2024, there was ample time to comply with Rule 41A.

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(Signature)

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13.2.6. Since compliance with Rule 41A is peremptory, non-compliance is therefore fatal as it cannot be overlooked by this Honourable Court. Accordingly, I hereby submit and pray that the matter be dismissed with an appropriate order directing the Applicants to consider mediation with a view to engaging a process contemplated in section 139(1) of the Constitution.

**14.**

Insofar as the Honourable Court does not dismiss the application on the grounds and preliminary points as aforesaid, I proceed to deal with the allegations contained in the purported Founding Affidavit. For insofar as I do not deal with each and every allegation, the omission should not be construed as an admission thereof, but rather a denial. I respond *ad seriatum* as follows to the Applicants' Founding Affidavit:

**AD PARAGRAPHS 1 TO 3:**

14.1. Save to note the identity of the First Applicant as described in paragraph 1, I deny that as per the contents of paragraph 2 of the founding affidavit, are within his personal knowledge and that they both true and correct, particularly insofar as the First Applicant makes averments which are inconsistent with those that I make in this Affidavit.

**AD PARAGRAPHS 4 TO 6:**

14.2. Save to note the prolixity of repeating the prayers as listed in the notice of motion, it is denied that a case was made out for the relief sought.

*DN*



14.3. To the extent that the Applicants do not seek any costs against the MEC and the manner in which the affidavit is structured is intended to assist the court, the contents of the paragraph are noted.

15.

#### IMPLICATIONS OF JUDGEMENTS/COURT ORDERS ON MEC'S ROLE

##### **AD PARAGRAPHS 7:TO 51**

Save to admit the existence of a Court Orders and judgements as well as appeals as averred in these paragraphs and to the extent that no order was made against the MEC directing him to act in a particular manner, the contents of these paragraphs are noted.

16.

#### REQUIREMENTS FOR CONTEMPT OF A COURT ORDER

##### **AD PARAGRAPHS 52 TO 60:**

The Applicants' exposition of the requirements for contempt of a court order are noted and to the extent that there is an insinuation that the MEC is also in contempt of the orders alluded to and deserving of an adverse cost order, the contents of these paragraphs are denied and the Applicant is put to the proof thereof.

17.

#### URGENCY

##### **AD PARAGRAPHS 61 TO 64:**

To avoid prolixity and to the extent that I have dealt with urgency in paragraph 8.1 above in the context of Rule 6(12)(b) of the Uniform Rules of Court, I admit that the

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matter of removal of the 05<sup>th</sup> Respondent as the Municipal Manager whose appointment was irregular, requires urgent solution, lest the Municipality is plunged into a governance crisis with his decisions challenged and thus opening floodgates of litigation which could have been avoided. This Honourable as per Djadje J's Order of the 06 December 2024, was not convinced that the Applicants have made out a case as contemplated by Rule 6(12)(b) of the Uniform Rules of Court.

18.

#### OCCUPATIONAL DETRIMENT

##### **AD PARAGRAPHS 65 TO 68:**

18.1. It is necessary to contextualise the contents of these paragraphs. To the extent that the contents of these paragraphs relate to labour law issues relating to protected disclosures, and to the extent that the MEC is not implicated in anyway, they are noted.

#### THE IMPUGNED APPOINTMENT OF THE MUNICIPAL MANAGER

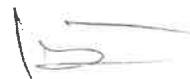
##### **AD PARAGRAPHS 69 TO 87:**

18.2. To the extent that the contents of these paragraphs seek to reflect a pending disciplinary action and/or a consideration of a dismissal as a sanction, and to the extent that it does not relate to any function to be performed by the MEC, the contents thereof are noted.

19.

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## APPLICABILITY OF THE PROTECTED DISCLOSURES ACT

### **AD PARAGRAPHS 88 TO 91:**

19.1. To the extent that the contents of these paragraphs relate to the legal implications of interdicting commencement or continuation of a legitimate disciplinary hearing to which the MEC is not involved, they are denied,

## REQUIREMENTS FOR FINAL INTERDICT

### **AD PARAGRAPHS 92 to 100:**

19.2. Save to admit that the contents of these paragraphs are concerned with the internal employee challenges faced by the First Applicant and not the MEC, and to the extent that these paragraphs deal with the correct requirements for a final interdict as listed, it is denied that a proper case was made for final interdict.

19.3 However, it is admitted that the Municipality, the community and public at large would suffer irreparable harm should the judgement not be enforced and the status quo of not removing the Municipal Manager be maintained.

20.

## COSTS ARISING OUT OF LACK OF URGENCY

### **AD PARAGRAPHS 101 TO 115:**

20.1. I submit that while the MEC is cited as a party in this application, there is no prayer to costs against the MEC, as such will be absurd to seek such

TN



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an order when no averment was made implicating him as guilty of contempt of a court order. To the extent that no such prayer was made or even pleaded, the contents of these paragraphs are denied.

**AD PARAGRAPH 117:**

20.2. I respectively submit that the Applicants failed to make out a case for a relief in terms of order 4 of the Notice of Motion against the MEC to be ordered to ensure that the Municipality and its officials comply with order read with all cited judgements under case numbers UM199/2023 and UM53/2023.

**WHEREFORE** the I pray for dismissal of the Applicants' claim with costs and such costs to include costs of hiring counsel.

DATED at Mabokeng on this 03 Day of March 2025



DEPONENT

I HEREBY CERTIFY THAT THE DEPONENT HAS ACKNOWLEDGED THAT HE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT AND HAS NO OBJECTION TO TAKING THE PRESCRIBED OATH AND THAT THE OATH IS BINDING ON HIS CONSCIENCE. FURTHER THAT THE AFFIDAVIT WAS SIGNED AND SWORN BEFORE ME AT Mabokeng ON THIS THE 03 DAY OF March 2025, THE REGULATIONS CONTAINED IN GOVERNMENT NOTICE



TN



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NO R1258 OF 21 JULY 1972, AS AMENDED, AND GOVERNMENT NOTICE NO R1648 OF 19 AUGUST 1977, AS AMENDED, HAVE BEEN COMPLIED WITH.

~~COMMISSIONER OF OATHS~~

NAME:

ADDRESS:

CAPACITY:

SIPHAMANDLA NHLABATHI  
Practicing Attorney  
Commissioner of Oaths  
tel:(018) 381 2910/1

Date: 03/03/2025

IN





**coghsta**

Cooperative Governance, Human Settlements and  
Traditional Affairs  
North West Provincial Government  
REPUBLIC OF SOUTH AFRICA



**OFFICE OF THE MEC**

2nd Floor West Wing  
University Drive  
Gaborone Building

Tel: +27 (0) 18 388 2892

Private Bag X 2145  
Mmabatho  
2735

Ref: 10/2/2/2

The Mayor  
Naledi Local Municipality  
Vryburg  
North West

Per email :

**SUBJECT :** THE LEGAL STANDING OF MR SEGAPO AS THE MUNICIPAL  
MANAGER OF NALEDI LOCAL MUNICIPALITY

Good day Hon Mayor;

1. We refer to the above matter, and in particular with reference to the ongoing litigation between Mr Segapo and Mr Appolus emanating from the cases instituted in North West High Court under the case numbers UM53/2023 and UM199/2023 respectively.
2. It is common cause that pursuant to the initial lawsuit as instituted by Mr Appolus in the foregoing subject which sought to nullify and set aside the appointment of Mr Segapo as a municipal manager in the Municipality, a court order was granted in favour of Mr Appolus upholding the relief he sought.
3. For completeness purposes, we may take liberty of highlighting the historical account of this matter in the High Court as follows:
  - 3.1. North West High Court handed down an order on the 19<sup>th</sup> September 2023 declaring the appointment of Mr Segapo unlawful and thus setting it aside;

Let's Grow North West Together

TN

3.2. On the 29<sup>th</sup> September 2023 a leave to appeal the order of the 19<sup>th</sup> September 2023 was served, and it suspended the latter's force and effect;

3.3. On the 17<sup>th</sup> November 2023, an order enforcing the order of the 19<sup>th</sup> September 2023 was made, thus giving force and effect to the execution of the latter order;

3.4. On the 20<sup>th</sup> November 2023, Mr Segapo requested a sitting of a full bench of the Division to determine the appeal as per section 18(4) of the Supreme Court Act;

3.5. On the 23<sup>rd</sup> January 2024, the High Court granted Mr Segapo leave to appeal to the Supreme Court of Appeal;

3.6. On the 18<sup>th</sup> March 2024, a court order was made for the merging of the two case numbers on this matter (UM53/2023 and UM 199/2023);

3.7. On the 26<sup>th</sup> March 2024, Naledi LM and Mr Segapo filed a notice of application for leave to appeal against the order of the 18<sup>th</sup> March 2024;

3.8. On the 24<sup>th</sup> April 2024, an urgent application was instituted by Mr Appolus for an order among others, declaring the Municipality in contempt of Court in failing to execute the order of the 19<sup>th</sup> September 2023. This application was struck off the roll for lack of urgency;

3.9. On the 28<sup>th</sup> May 2024, the Registrar of the High Court issued a writ of execution of the order of the 19<sup>th</sup> September 2023 and the writ was executed on the 31<sup>st</sup> May 2024, which effected removal of Mr Segapo from office;

3.10. On the 11<sup>th</sup> July 2024, an application was heard by the High Court as brought by Segapo seeking to stay the writ of execution as issued by the Registrar on the 28<sup>th</sup> May 2024, or for it to be declared null and void and set aside.

4. In terms of the order emanating from the application heard on the 11<sup>th</sup> July 2024 handed down on the 15<sup>th</sup> July 2024, the application by Mr Segapo was dismissed and the court further directed that the writ of execution against Mr Segapo be enforced.

5. It is common cause that there is an appeal pending before the Supreme Court of Appeal related to the initial order, which has been instituted by Mr Segapo. Consequently, the *status quo* in terms of the force and effect of the current state of affairs, is that the court order of the 15<sup>th</sup> July 2024 is the effective judicial directive on this dispute.

6. COGTA as an organ of state enjoined to observe and uphold the values of the rule of law as enshrined in the constitution, in the course and scope of its support to municipalities, must be unequivocal on any conduct demonstrated by the municipalities that is at variance with the value system envisaged by the rule of law.
7. On this basis, and considering that the court's ruling on the dispute between Mr Segapo and Mr Appolus is that Mr Segapo's appointment is unlawful and should be set aside, we would like to place it on record that until the outcome of the Supreme Court of Appeal suit as instituted by Mr Segapo provides otherwise to the contrary, we shall not recognize Mr Segapo as the municipal manager of Naledi LM.
8. We hope in anticipation your esteemed office will receive this correspondence in order.

Yours in good governance,



Date: 15 November 2024

MR G.O MOLAPISI (MPL)

MEC: COGHSTA

ANNEXURE "AA4" °HHQ121

NALEDI LOCAL MUNICIPALITY  
MEMORANDUM

TO : THE ACTING MUNICIPAL MANAGER  
MR S.N. MONGALE

CC : HON. MAYOR  
CLLR C.J. GROEP

MMC: FINANCE & CORPORATE SERVICES  
CLLR H. VAN HUYSEN

WHIP OF COUNCIL  
CLLR L. SETLHAKA

FROM : DIRECTOR: CORPORATE SERVICES  
MR T.N. APPOLUS

DATE : 10<sup>TH</sup> NOVEMBER 2022

SUBJECT : PROGRESS REPORT TO THE MUNICIPAL COUNCIL ON THE  
APPOINTMENT OF THE MUNICIPAL MANAGER

ANNEXURE A: GAZETTE NO: 46740, 17 AUGUST 2022

ANNEXURE B: GAZETTE NO: 37245, 17 JANUARY 2021

ANNEXURE C: SALGA - GUIDELINES FOR THE APPOINTMENT OF THE  
MUNICIPAL MANAGER

ANNEXURE D: DECLARING A VACANCY - MUNICIPAL MANAGER (RES. NO: 541/2022)

ANNEXURE E: RECRUITMENT REPORT - SENIOR MANAGERS: MUNICIPAL MANAGER (RES. NO: 526/2022)

ANNEXURE F: APPOINTMENT OF ACTING MUNICIPAL MANAGER (RES. NO: 638/2022)

ANNEXURE G: NEW INSTRUCTION REQUEST FOR A LEGAL OPINION

PURPOSE

To request the Acting Municipal Manager to advise the Hon. Mayor, Cllr C.J. Groep to present a progress report to the Municipal Council on the appointment of the Municipal Manager. And further advice on non-compliance to the set of

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## 122 BACKGROUND

The Municipal Systems Amendment Act No. 3 of 2022 read together with SALGA Guidelines for the Appointment of the Municipal Manager entrust constitutional imperatives and responsibilities to the Hon. Mayor to strictly observe and adhere to prescribed regulations when appointing the Municipal Manager.

## DISCUSSIONS.

The position of the Municipal Manager first became vacant on the 30<sup>th</sup>/08/2022 in accordance to Council Resolution No.: 511/2022. The same resolution is annexed for ease of reference.

Subsequent to this declaration of vacancy by the Municipal Council; the position of the Municipal Manager was therefore advertised in the national newspaper for a period of 14 days. However, the recruitment processes had since been tainted with flaws which subjected the institution to contaminations of regulations on the appointment of the Municipal Manager. It is also worth noting, that one applicant withdrew from the processes on the 12<sup>th</sup> October 2022, and on the self-same day another applicant (i.e. the former Municipal Manager) gave an instruction to Modiboa Attorneys INC to solicit legal opinion on conducting interviews just for one candidate.

The Hon. Mayor in this particular instance became complicit in that he allowed the then Municipal Manager/ and or applicant to use municipal funds to obtain a legal opinion to serve self-seeking ulterior interests. I wish to bring to the attention of the Acting Municipal Manager that the expenditure incurred in this regard constitutes material irregularities that must be tabled before the Municipal Council and Municipal Public Accounts Committee must be ceased with all documentations in this regard for further investigations.

In its Special August meeting on the 20<sup>th</sup>/10/2022 the Municipal Council resolved to re-advertise the position of the Municipal Manager. Resolution No. 625/2022 is also annexed for ease of reference.

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The position was advertised on the National Newspaper with a closing date as the 07<sup>th</sup> November 2022. I must emphasize that shortlisting processes were conducted on the 09<sup>th</sup> November 2022. This is indeed unprecedented and unheard of.

NOTWITHSTANDING, the appointment of the Acting Municipal Manager by the Municipal Council on the 28<sup>th</sup> November 2022 (Resolution No.: 638/2022), the Hon. Mayor bypassed both the office of the Municipal Manager and Director: Corporate Service to obtain recruitment documents from Human Resource Manager to conduct shortlisting. As Director responsible for administration and governance I cannot with certainty confirm if all administrative processes were duly conducted and that the selection panel remained the same as per clause 5 of Resolution No.: 625/2022.

The said unprecedented shortlisting process is in contravention of the prescribed by regulations.

In view of the potential risks of non-compliance with the regulations, clause 10 (4) and (5) prescribes that, *A municipality may utilize a recruitment agency to identify candidates for the posts. The Mayor, must provide monthly reports regarding progress on the filling of the vacant senior manager post.*

NB: The MMC: Finance & Corporate Services, Cllr H. van Huysteen and Whip of Council, Cllr L. Seithake are enlisted for ease of reference.

#### RECOMMENDATIONS

IT is against the above said, that the Director: Corporate Services and Administration in consideration of the prescribed regulations recommends as follows:

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1. That, the Hon. Mayor, Cllr C.J. Groep in the spirit of transparency table a progress report to the Municipal Council on the appointment of the Municipal Manager
2. That, the unprecedented shortlisting that happened on the 09<sup>th</sup> November 2022 with the advertisement closing on the 07<sup>th</sup> November 2022 is inconsistent with the regulations and renders the recruitment processes null and void.
3. That, the office of the Accounting Officer, and or Acting Municipal Manager together with Director: Corporate Service are entrusted with the administrative responsibilities to present objective records to the Mayor.
4. That the Municipality may consider in line with clause 10(4) of Gazette 37245 appointing an independent recruitment agency to avoid risks of non-compliance to the regulations.
5. That the Acting Municipal Manager on account of unprecedented shortlisting and non-compliance advise the Municipal Council to re-advertise the position of the Municipal Manager.

*CJ*

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TN APPOLOS  
DIRECTOR: CORPORATE SERVICES

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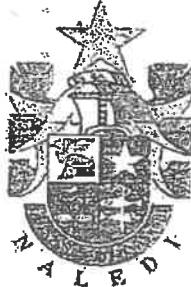
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Local Municipality  
Masepalo wa Selopar  
Plaaslike Municipaliiteit

# NALEDI

ANNEXURE  
P.O Box / Lebokose Post / Posbus 35  
VRYBURG  
8600

TEL / MOGALA / TELE: 053 927 0977  
FAX / FEKESE / FAKS: 053 927 3482

Address all letters to the Office of the Mayor  
Mukwalo of the Alketsego Bini Tropo wa Naledi  
Rig alle brieme aan die Municipale Bestuurder

## OFFICE OF THE MAYOR

Ref:  
No. Tshupetso: 10/5/1  
Verw. Nr.

Enquiries:  
Dipotsiso: GROEP/cj  
Navrae:

10 MAY 2023

THE HONOURABLE MEC  
DEPARTMENT: GOVERNANCE AND  
TRADITIONAL AFFAIRS  
NORTH WEST PROVINCE

U VERW:  
YOUR REF: HON PDN MALOYI

Sir

### REPORT ON THE PROCESS OF APPOINTING THE MUNICIPAL MANAGER AT NALEDI LOCAL MUNICIPALITY

Your letter dated 11 April 2023 has reference.

I have noted the concerns raised in your letter and wish to respond as follows to your concerns:

The advertisement inviting candidates to apply for the vacant position of Municipal Manager was published in a national newspaper on the 23rd of October 2022. On the 11th of November 2022 the screening of the candidates were done and the relative information of the candidates were captured by a Miss Anne-Marie Dubber, Manager: Human Resources Management.

I attach copies of the front page of the MIE: PERSONAL CREDENTIAL VERIFICATION REPORT of each of the applicants. Copies attached hereto marked annexure "A1" - "A5".

Miss Dubber, on the same day, sent a Verification of Misconduct letter to CoGTA. A copy of the letter is attached, marked annexure "B1".

I pause to point out that Miss Dubber, on the 17th of November 2022, again wrote to CoGTA enquiring about a time frame within which the requested information could be expected. A copy of the e-mail is attached hereto, marked as annexure "B2".

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On the 18th of November 2022 Miss Dubber prepared a Memorandum *inter alia* confirming that the screening was done and that the MIE was prepared and attached to the Memorandum as annexure "D". A copy of the Memorandum is attached hereto, marked as annexure "C" and a copy of the MIE, marked as annexure "D".

On the 22nd of November 2022 interviews were conducted with four of the candidates that were invited. It is clear that the interviews were conducted 11 days after the screening of all the applicants were completed. A quick calculation of the time between the placing of the advertisement and conducting of interviews, would suggest that the interviews were conducted in less than 30 days after the advertisement were placed. It is therefore totally impossible to have conducted the interviews 44 days after the screening process was completed.

We attach a copy of the Minutes in respect of the shortlisting of the candidates that were ultimately invited to be interviewed, marked as annexure "H". The Minutes clearly indicates that Council indeed complied with all the relevant requirements.

I further drafted Minutes of the Interviews, listing all the candidates that was invited to the interviews, and was indeed interviewed in person, the particulars of the candidate that was interviewed virtually and the candidate that withdrew from the interviewing process.

The Minutes clearly indicated the scoring of all the candidates that were interviewed and quite clearly recommends that the top three candidates be subjected to competency assessment. A copy of the Minutes is attached hereto, marked as annexure "E".

I further attach a copy of a letter by the Municipal Manager, Mr Segapo, to the Mayor, confirming that he does not hold any political office, marked as annexure "F".

The Municipal Manager was appointed for the period 13 March 2023 to 12 March 2028 subject to Section 57(6)(a) of the Municipal Systems Act and it is my humble submission that his term of office will not exceed of a New Council by a period of more than one year, in compliance with Section 57(6)(a) of the Municipal Systems Act. We attach a copy of the front page of the appointment letter which is self-explanatory, marked as annexure "G".

It is our instructions that all the above mentioned documents form part of the report regarding the Municipal Manager's appointment that was sent to the MEC COGSHTA.

I humbly submit that we duly complied with all the statutory requirements in the appointment of Mr T M Segapo as Municipal Manager of the Naledi Local Municipality.

Yours faithfully,

  
CLLR C J GROEP  
MAYOR - HNALEDI LOCAL MUNICIPALITY

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## Verification of Misconduct - Municipal Manager position at Naledi Local Municipality

Anna-Marie Dubber <annamarie17@gmail.com>  
To: Thilibe Malmene <ThilibeM@cogta.gov.za>

11 November 2022 at 13:05

Mr Malmene,

We re-advertised the position after one of the two candidates withdrew from the process.

Please find attached the Verification of Misconduct letter once more.

I included last employer. I also attach the Shortlisting profile for further information. Please let me know if you need anything else.

Regards,

Anna-Marie Dubber  
Manager: Human Resource Management  
Naledi Local Municipality  
073 086 4382

[Quoted text hidden]

Anna-Marie Dubber  
Manager: Human Resource Management  
Naledi Local Municipality  
073 086 4382

2 attachments

Verification of misconduct.pdf

290K

Shortlist Municipal manager.xlsx

48K

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Gmail

Anna-Marie Dubber &lt;annamarie17@&gt;

## Verification of Misconduct - Municipal Manager position at Naledi Local Municipality

Anna-Marie Dubber <annamarie17@googlemail.com>  
To: Thilibe Maimane <ThilibeM@cogc.za>

17 November 2022 at 13:57

Good afternoon sir,

I am kindly requesting an estimated time as to when the information can be expected.

Regards,  
[Quoted text hidden]

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# NALEDI LOCAL MUNICIPALITY



## MEMORANDUM

TO : MAYOR  
FROM : MANAGER: HUMAN RESOURCES MANAGEMENT  
DATE : 18 November 2022  
SUBJECT : SCREENING REPORT: MUNICIPAL MANAGER

---

Sir,

Section 14 of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers, Government Gazette, No. 37245, read as follows:

### "Screening of candidates"

14. (1) Screening of the shortlisted candidates must take place within 21 days of the finalisation of the shortlisting by—  
(a) conducting the necessary reference checks;  
(b) contacting a candidate's current or previous employer;  
(c) determining the validity of a candidate's qualifications; and  
(d) verifying whether a candidate has been dismissed previously for misconduct or poor performance by another employer.  
(2) A written report on the outcome of the screening process must be compiled by the mayor, in the case of the municipal manager, or the municipal manager, in the case of the manager directly accountable to the municipal manager, before the interviews take place."

The screening process consists of:

1. Determining if the candidates appear on the record of dismissed staff and staff members who resigned prior to finalization of disciplinary proceedings
2. Written References
3. Confirmation of Employment history
4. Verification of Qualifications

### REPORT:

#### 1. Annexure A.

A letter was sent to the 11<sup>th</sup> of November 2022 to CoGTA. To date no feedback has been received.

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## 2. Annexure B:

Written References were requested from the referees of the five candidates. In order to ensure all relevant information is captured in the written references a form has been created for completion. These forms were sent to referees on the 13<sup>th</sup> and 14<sup>th</sup> of November 2022 and they were requested to return the complete forms by the 17<sup>th</sup> of November 2022.

## 3. Annexure C:

Previous employers were contacted telephonically to determine validity of experience stated in the CV's.

## 4. Annexure D:

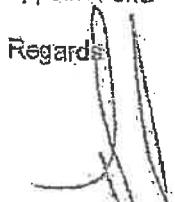
MIE was utilized to determine the validity of candidate's qualifications. Qualifications, as per the minimum requirements, have been verified already. Verification of less relevant qualifications still need to be finalized. In some instances verification can take up to 8 working days. The preliminary reports are thus submitted in the interim. The final reports will be submitted when they are ready. No qualifications have been disputed by MIE.

**CONCLUSION**

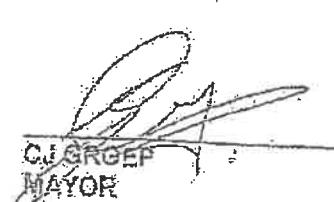
Screening as per the regulations have thus been concluded, awaiting confirmation from CoGTA that the candidates do not appear on the database of dismissed staff.

After interviews, the Competency Assessments will be arranged with one of the four accredited service providers. This Screening Report, Interview Results and Competency Assessments will be submitted to Council for the final decision on appointment.

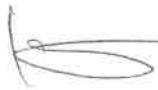
Regards,

  
**A. DUBBER**  
 MANAGER: HUMAN RESOURCES MANAGEMENT

Received:

  
 C. GROEP  
 MAYOR

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## QUALIFICATION CHECK - MIE

Title	Name	Surname	Reference Name	Confirmed by MIE
Mr	Modisenyene Thompson	Segapo	Grade 12	Confirmed
			Certificate Programme Management Development for Municipalities	Pending
			Certificate Municipal Finance Management Development Programme	Pending
			BURS Degree	Confirmed
			Certificate Municipal Financial Management	Pending
			Certificate Housing Development Programme	Confirmed
			National Diploma Human Resource Management and Practices	Pending
			Higher Diploma in Education	Confirmed
			Degree of Baccalaureus Artium	Confirmed
			Honoris Baccalaureus Artium	Confirmed
			Master of Business Administration	Confirmed
Mr	Zwellphensi Stanley	Sithosana	Grade 12	Pending
			Bachelor of Arts	Confirmed
			Higher Education Diploma	Confirmed
			Certificate: Municipal Financial Management	Confirmed
			Postgraduate Diploma in Project Management	Confirmed
			Master of Business Administration	Confirmed
Mr	Modishaadi Eifik	Morula	Grade 12	Pending
			Bachelor of Arts	Confirmed
			Higher Education Diploma	Confirmed
			Certificate: Municipal Financial Management	Confirmed
			Postgraduate Diploma in Project Management	Confirmed
Mr	Matseye Elias	Manabadi	Grade 12	Pending
			Bcom	Confirmed
			Diploma in Fundamentals Project Management	Pending
			Certificate Programme Management Development for Municipalities	Pending
			Certificate: Municipal Financial Management	Pending
			Postgraduate Diploma in Business Management	Confirmed
			Master of Business Administration	Confirmed
Mr	Tshiamo	Leithogile	Grade 12 B Proc (Law)	Pending
			Certificate Executive Leadership Municipal Development Programme	Pending

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✓ MIE: Personal Credential Verification Report  
Ref No: 15182280



**Request Details**

Client	Naledi Local Municipality	Branch	Naledi Local Municipality
Agent	Anne-Marie Dubber	Date Captured	2022-11-17 02:52
Reason	Screening for recruitment		

**Candidate**

Surname	Segapa	Names	Modisenyane Thompson
SACD	7202215481083	Birth Date	1972-03-21
Nationality	South Africa		

**Risk Summary**

<input checked="" type="checkbox"/> Qualification - UMAUUS - National Secondary - South Africa	<input checked="" type="checkbox"/> Qualification - Tertiary Course - South Africa
<input checked="" type="checkbox"/> Qualification - Tertiary Course - South Africa	<input checked="" type="checkbox"/> Qualification - Tertiary Course - South Africa
<input checked="" type="checkbox"/> Qualification - National Qualifications Register - South Africa	

**Inquiry**

<b>Qualification: UMAUUS - National Secondary - South Africa</b>				
<input checked="" type="checkbox"/> <b>Umaus</b>				
Qualification Name	Matric	Year	1998	
Institution	Supageng Public School	Student/Certificate Number	940100243174	
Student Name on Qualification Certificate	Modisenyane Thompson Segapa	ID On Certificate	7202215481083	
Qualification Reason	Verification of Employment and Qualifications for fraud prevention and detection.	Qualification Type	Matric	
Submitted: 2022-11-17 02:52:05				
<input checked="" type="checkbox"/> Positive - Qualification has been awarded to Candidate.				
<b>Qualification Testa</b>				
Qualification Name	Matric	Year	1998	
Institution	South African Certification Council	Qualification Type	Matric	
<b>Qualification: Tertiary course - South Africa</b>				
<input checked="" type="checkbox"/> <b>Qualification General</b>				
Qualification Name	Certificate: Housing Policy Development & Management	Year	2001	
Institution	University Of Waterberg	Student Name on Qualification Certificate	Modisenyane Thompson Segapa	
Qualification Reason	Verification of Employment and Qualifications for fraud prevention and detection.			
<input checked="" type="checkbox"/> Supplier Pending				
<input checked="" type="checkbox"/> Results Pending				
<b>Qualification: Tertiary course - South Africa</b>				
<input checked="" type="checkbox"/> <b>Qualification General</b>				
Qualification Name	Certificate: Municipal Finance Management	Year	2014	
Institution	Local Government Sector Education Training Authority (Lestea)	Student/Certificate/Member Number	05390	
Student Name on Qualification Certificate	Modisenyane Thompson Segapa	ID On Certificate	7202215481083	

Risk Legend:	<input checked="" type="checkbox"/> Risk	<input checked="" type="checkbox"/> No Risk	<input checked="" type="checkbox"/> Result pending	<input checked="" type="checkbox"/> Risk not determined
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**MIE: Personal Credential Verification Report**  
Ref No: 15182442



Request Details			
Client Agent Reason	: Naledi Local Municipality Anne-Marie Gubbar Screening for recruitment	Branch Date Captured	: Naledi Local Municipality 2022-11-17 15:02
Candidate			
Surmanie SA ID Nationality	: Eslerapain, S 700329555685 South Africa	Names Birth Date	: Zwellphlebo Stanley 1993-03-23
Risk Summary			
<input checked="" type="checkbox"/> Qualification - UMA101 - National Secondary - South Africa <input checked="" type="checkbox"/> Qualification - National Qualifications Register - South Africa <input checked="" type="checkbox"/> Qualification - National Qualifications Register - South Africa <input checked="" type="checkbox"/> Qualification - Tertiary Course - South Africa	<input checked="" type="checkbox"/> Qualification - National Territory - South Africa <input checked="" type="checkbox"/> Qualification - National Qualifications Register - South Africa <input checked="" type="checkbox"/> Qualification - National Qualifications Register - South Africa		
Inquiry			
<b>Qualification: UMA101 - National Secondary - South Africa</b>			
<input checked="" type="checkbox"/> Qualification General Qualification Name Institution Student Name on Qualification Qualification Reason	: Matric South African Certification Council Stanley Skhosana Verification of Employment and Qualifications for fraud prevention and detection.	Year Student/Certificate Number ID On Certificate Qualification Type	: 1992 930410180640 1992110126850 Matric
<input checked="" type="checkbox"/> Supplier: Pending <input checked="" type="checkbox"/> Result: Pending			
<b>Qualification: National Territory - South Africa</b>			
<input checked="" type="checkbox"/> Qualification General Qualification Name Institution Student Name on Qualification Qualification Reason	: National Diploma: Human Resource Management & Practice South African Board For People Practitioners - Sabapp Zwellphlebo Stanley Skhosana Verification of Employment and Qualifications for fraud prevention and detection.	Year Student/Certificate/Member Number ID On Certificate	: 2013 0113hrd0111bm 700329555685084
<input checked="" type="checkbox"/> Supplier: Pending <input checked="" type="checkbox"/> Result: Pending			
<b>Qualification: National Qualifications Register - South Africa</b>			
<input checked="" type="checkbox"/> Qualification General Qualification Name Institution Student Name on Qualification Qualification Reason	: Higher Diploma: Education University Of KwaZulu Natal Stanley Skhosana Verification of Employment and Qualifications for fraud prevention and detection.	Year Student/Certificate/Member Number Qualification Reason	: 1997 234224734521/1992
<input checked="" type="checkbox"/> Supplier: Pending <input checked="" type="checkbox"/> Result: Pending			
<b>Risk Legend:</b>	<input checked="" type="checkbox"/> Risk	<input checked="" type="checkbox"/> No Risk	<input checked="" type="checkbox"/> Result pending
Printed on 22 November 2022 at 20:00	Copyright © 2018 Managed Integrity Evaluation (Pty) Ltd Phone: +27 32 644 6000 Email: info@mie.co.za		Page 1 of 3

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✓ MIE: Personal Credential Verification Report  
Ref No: 15182602



**Request Details**

Client	: Naledi Local Municipality	Branch	
Agent	: Anna-Marie Dabber	Date Captured	
Reason	: Screening for recruitment		Naledi (Loc) Municipality 2022-11-17 13:33:24

**Candidate**

Surname	: Morepa	Name	
SA ID	: 6703235404057	Birth Date	
Nationality	: South Africa		Mogobadi, Erick 1987-03-23

**Risk Summary**

<input checked="" type="checkbox"/> Qualification - National Secondary Department - South Africa	<input checked="" type="checkbox"/> Qualification - National Qualifications Register - South Africa
<input checked="" type="checkbox"/> Qualification - National Qualifications Register - South Africa	<input checked="" type="checkbox"/> Qualification - Tertiary Course - South Africa
<input checked="" type="checkbox"/> Qualification - National Qualifications Register - South Africa	<input checked="" type="checkbox"/> Qualification - National Qualifications Register - South Africa

**Inquiry**

**Qualification - National Secondary Department - South Africa**

<input checked="" type="checkbox"/> Qualification General			
Qualification Name	: National Senior Certificate	Year	
Institution	: Sepedi High School	Student/Certificate/Member Number	: 1988 AJ7683842
Student Name on Qualification Certificate	: Morepa (Mogobadi) Erick	Qualification Reason	: Verification of Employment and Qualifications for fraud prevention and detection.
<input checked="" type="checkbox"/> Supplier Pending			
<input checked="" type="checkbox"/> Result Pending			

<input checked="" type="checkbox"/> Qualification General			
Qualification Name	: Bachelor Of Arts	Year	
Institution	: University Of Limpopo	Student/Certificate/Member Number	: 1992 88082196
Student Name on Qualification Certificate	: Morepa (Erick) Mogobadi	Qualification Reason	: Verification of Employment and Qualifications for fraud prevention and detection.
<input checked="" type="checkbox"/> University of Limpopo - 2022-11-17 13:33:02			
<input checked="" type="checkbox"/> Positive - Qualification has been awarded to Candidate.			

<input checked="" type="checkbox"/> Qualification Tested			
Qualification Name	: Bachelor Of Arts	Year	
Institution	: University Of The North	Student/Certificate/Member Number	: 1992 88082196
Student Name on Qualification Certificate	: Morepa (Erick) Mogobadi		

<input checked="" type="checkbox"/> Qualification General			
Qualification Name	: Higher Diploma: Education	Year	
Institution	: University Of Limpopo	Student/Certificate/Member Number	: 1995 88082196

Risk Legend:

Risk

No Risk

Result pending

Risk not determined

Printed on 22 November 2022 at 08:10

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TN

✓ MIE Personal Credential Verification Report

Ref No: 15182763



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Request Details			
Client Agent Reason	Naledi Local Municipality Ahnz-Merle Dubber Screening for recruitment	Branch Date Captured	Naledi Local Municipality 2022-11-17 13:55
Candidate			
Surname SAID Nationality	Manekibidi 6802273570054 South Africa	Names Birth Date	Mashye Elias 1989-02-27
Risk Summary			
<input checked="" type="checkbox"/> Qualification - National Qualifications Register - South Africa <input checked="" type="checkbox"/> Qualification - Tertiary Course - South Africa <input checked="" type="checkbox"/> Qualification - Tertiary Course - South Africa <input checked="" type="checkbox"/> Qualification - National Secondary Certificate - South Africa	<input checked="" type="checkbox"/> Qualification - National Qualifications Register - South Africa <input checked="" type="checkbox"/> Qualification - Tertiary Course - South Africa <input checked="" type="checkbox"/> Qualification - National Qualifications Register - South Africa		
Inquiry			
Qualification - National Qualifications Register - South Africa			
<input checked="" type="checkbox"/> Qualification General <b>Qualification Name</b> : Master Of Business Administration <b>Institution</b> : Management College Of Southern Africa (mencosa) <b>Student Name on Qualification Certificate</b> : Mashye Elias Manekibidi	<b>Year</b> : 2018 <b>Student/Certificate/Member Number</b> : S/n/Mer019252	<b>Qualification Reason</b> : Verification of Employment and Qualifications for fraud prevention and detection.	
<input checked="" type="checkbox"/> Management College of Southern Africa : 2022-11-17 13:42:00 <input checked="" type="checkbox"/> Positive - Qualification has been awarded to Candidate.			
<input checked="" type="checkbox"/> Qualification Tested <b>Qualification Name</b> : Master Of Business Administration <b>Institution</b> : Management College So <b>Student Name on Qualification Certificate</b> : Mashye Elias Manekibidi	<b>Year</b> : 2018 <b>Student/Certificate/Member Number</b> : 125274 S/n/man019257		
Qualification - National Qualifications Register - South Africa			
<input checked="" type="checkbox"/> Qualification General <b>Qualification Name</b> : Postgraduate Diploma: Business Management <b>Institution</b> : Management College Of Southern Africa (mencosa) <b>Student Name on Qualification Certificate</b> : Mashye Elias Manekibidi	<b>Year</b> : 2018 <b>Student/Certificate/Member Number</b> : Pgdbm15/05/024	<b>Qualification Reason</b> : Verification of Employment and Qualifications for fraud prevention and detection.	
<input checked="" type="checkbox"/> Management College of Southern Africa : 2022-11-17 13:42:08 <input checked="" type="checkbox"/> Positive - Qualification has been awarded to Candidate.			
<input checked="" type="checkbox"/> Qualification Tested <b>Qualification Name</b> : Postgraduate Diploma in Business Management <b>Institution</b> : Management College Of South Africa	<b>Year</b> : 2018 <b>Student Name on Qualification Certificate</b> : Manekibidi		

Risk Level:	<input checked="" type="checkbox"/> Risk	<input checked="" type="checkbox"/> No Risk	<input checked="" type="checkbox"/> Risk Pending	<input checked="" type="checkbox"/> Risk not determined
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✓ MIE Personal Credential Verification Report  
Ref No: 15182873

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**Request Details**

Client	: Naledi Local Municipality	Branch	
Agent	: Anne-Marie Gubber	Date Captured	
Reason	: Screening for recruitment		Naledi Local Municipality 2022-11-17 15:44

**Candidate**

Surname	: Tshiamo	Names	
SABID	: 7002055760033	Birth Date	
Nationality	: South Africa		0370-02-05

**Risk Summary**

Qualification - National Qualifications Register - South Africa  
 Qualification - Tertiary Courses - South Africa

**Inquiry**

**Qualification - National Qualifications Register - South Africa**

<input checked="" type="checkbox"/> Qualification General			
Qualification Name	: Bachelor Of Prosecutions	Year	1995
Institution	: University Of Limpopo	Student/Certificate/Member Number	5116208
Student Name on Qualification Certificate	: Lethogile Gregory	Qualification Reason	
University of Limpopo : 2022-11-17 15:55:06			Verification of Employment and Qualifications for fraud prevention and detection.
<input checked="" type="checkbox"/> Positive - Qualification has been awarded to Candidate.			
<input checked="" type="checkbox"/> Qualification Issued			
Qualification Name	: Baccalaureus Prosecutions	Year	22/SEP/1995
Institution	: University of Limpopo	Student/Certificate/Member Number	8116208
Student Name on Qualification Certificate	: Gregory		

**Qualification - National Secondary Department - South Africa**

<input checked="" type="checkbox"/> Qualification General			
Qualification Name	: National Senior Certificate	Year	1999
Institution	: Ganyesa High School	Student/Certificate/Member Number	A205255
Student Name on Qualification Certificate	: Lethogile Tshiamo Gregory	Qualification Reason	
<input checked="" type="checkbox"/> Supplier Pending			Verification of Employment and Qualifications for fraud prevention and detection.
<input checked="" type="checkbox"/> Result Pending			

**Qualification - Tertiary Courses - South Africa**

<input checked="" type="checkbox"/> Qualification General			
Qualification Name	: Executive Leadership Municipal Development Programme	Year	2011
Institution	: University Of Pretoria	Student/Certificate/Member Number	P001053-10-2010
		ID On Certificate	7007055760035

Risk Legend	<input checked="" type="checkbox"/> Risk	<input checked="" type="checkbox"/> No risk	<input checked="" type="checkbox"/> Result pending	<input checked="" type="checkbox"/> Risk not determined
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