



CONSTITUTIONAL COURT OF SOUTH AFRICA

Case CCT 71/16

In the matter between:

BAAITSE ELIZABETH NKABINDE First Applicant

CHRISTOPHER NYAOLE JAFTA Second Applicant

and

JUDICIAL SERVICE COMMISSION First Respondent

PRESIDENT OF THE JUDICIAL CONDUCT TRIBUNAL Second Respondent

**MINISTER OF JUSTICE AND
CONSTITUTIONAL DEVELOPMENT** Third Respondent

XOLISILE KHANYILE N.O. Fourth Respondent

ORDER DATED 16 MAY 2016

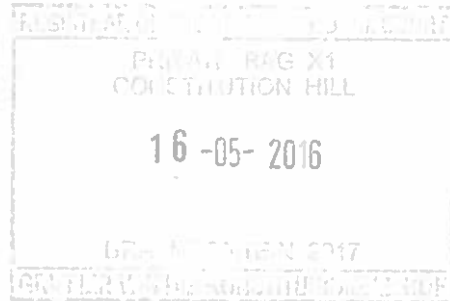
CORAM: Mogoeng CJ, Moseneke DCJ, Bosielo AJ, Cameron J, Froneman J, Khampepe J, Madlanga J, Mhlantla J and Zondo J.

The Constitutional Court has considered this application for leave to appeal. In the light of the principle regulating the position where a court is incapacitated because of conflicts disabling its members from sitting to determine the merits of the application, as set out in *Hlophe v Premier of the Western Cape Province, Hlophe v Freedom Under Law and Other* 2012 (6) SA 13 (CC), the Court has decided that the application must be dismissed.

Order:

1. The application for leave to appeal is dismissed.


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SENIOR REGISTRAR'S CLERK
CONSTITUTIONAL COURT



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AND TO: XOLISILE KHANYISILE N.O.

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