



## **JUDICIAL CONDUCT COMMITTEE**

**Ref No: JSC/244/09/2025**

In the matter between:

**MR M K MAPHETO**

**COMPLAINANT**

and

**JUDGE PRESIDENT MOLETJE GEORGE PHATUDI    RESPONDENT**

**Date: 8 July 2026**

**Decision: The appeal is dismissed.**

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### **RULING**

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**JUDICIAL CONDUCT COMMITTEE (JAFTA J, MAJIEDT J AND  
SALDULKER JA)**

### **INTRODUCTION**

[1] This is an appeal against the decision of the Acting Chairperson of the Judicial Conduct Committee (Committee), in terms of which a complaint lodged by Mr

M K Mapheto (complainant), was summarily dismissed under section 15(2)(d)<sup>1</sup> of the Judicial Service Commission Act 9 of 1994 (Act), on the basis that it was frivolous or lacking in substance. The complaint was lodged against Judge President Phatudi of the Limpopo Division of the High Court.

[2] Aggrieved by the dismissal of his complaint, the complainant noted an appeal, and sought an order setting aside the decision of the Acting Chairperson on various grounds. For a proper determination of the appeal, it is necessary to briefly set out the nature of the complaint.

### **The Complaint**

[3] The complainant alleges that he submitted an equality complaint to the Registrar of the Equality Court, Limpopo Division. The Registrar referred the complaint to the office of the respondent for a decision, who assigned the matter to Judge Muller. The complainant principally alleges that the respondent failed to comply with certain provisions of the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (Equality Act), and thereby breached Articles 6: (compliance with the law); 7 (equality); 8: (transparency); and 10: (diligence) of the Code of Judicial Conduct (Code).

[4] The allegations raised by the complainant against the respondent are founded largely upon the complainant's interpretation of procedural rules and his dissatisfaction with the administrative decisions of the respondent, *inter alia*, assigning the matter to Judge Muller. The complaint contains conclusions that the respondent acted in breach of the Code, but the complainant provides no evidentiary basis demonstrating bad faith, dishonesty, bias, wilful or gross negligence, or any improper motive on the part of the respondent.

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<sup>1</sup> Section 15(2) (d) provides:

'A complaint must be dismissed if it – is frivolous or lacking in substance'.

[5] Furthermore, the allegations in the grounds of appeal advanced by the complainant against the Acting Chairperson are unsupported by objective evidence. No evidence has been presented that demonstrates personal interest, improper motive or misconduct on his part. The complainant's dissatisfaction with the speed at which his complaint was dismissed cannot, by itself, constitute proof of bias or impropriety. A complaint may be dismissed summarily where it is devoid of merit. To the extent that the complainant contends that procedural irregularities occurred in the handling of his equality matter, such allegations concern the administration and conduct of litigation, and do not, without more, establish judicial misconduct. The complaint does not disclose facts capable of establishing judicial misconduct and therefore lacks substance.

[6] Having considered the allegations and the grounds of appeal, the Committee is satisfied that the Acting Chairperson correctly dismissed the complaint as being frivolous and lacking in substance.

[7] Consequently, the appeal is dismissed.



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**JUDICIAL CONDUCT COMMITTEE**