



On receipt of this letter the applicant, to use his own words,

"Did not bother preparing for the supplementary examination as there was no comment that I had to supplement any course to enable me to pursue the bachelor of Engineering course"

Neither the calendar nor the letter is a model of clarity. For a proper understanding of what is meant some, application, close attention, and even guidance may be required. But this does not excuse the Applicant's conduct and attitude. On receipt of the letter if he was unsure of what was required of him, enquiries should have been made from the Respondent itself. It is not necessary for the purposes of this application to enquire what other redress the applicant may or may not have arising out of the wording of the letter

The correct approach is to be found in an earlier decision of this court, *Siphiwe Tsabedze v The University of Swaziland Case No 2505/95*. In that case, dealing with an application by a student for an order requiring the University to register her for a course of study for which she did not qualify Dunn J said

"The respondent has a specific regulation dealing with the standard to be attained for transfer from the diploma to the degree programme. That regulation must be applied uniformly and equally to all students completing the diploma programme. Students who do not satisfy the requirements of the regulation have no right to transfer to (he fourth year of study. The error on the part of the Respondent can never cloak the applicant with the necessary qualification for transfer."

In that case the Judge found that the Respondent had indeed been grossly negligent in relation to the error which had resulted in the applicant in that case being ineligible for registration, but despite this he refused to make an order similar to that now sought by the present applicant.

A similar conclusion arrived at by similar reasoning is to be found in

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*TYATYA v UNIVERSITY OF BOPHUTHATSWANA 1994 (2) SA 375 (B)*

The facts, logic, and authority are all against the Applicant. The application is therefore dismissed with costs

S W Sapire

ACTING CHIEF JUSTICE