

**APPLICANT: AVINASH GOVINDJEE**

**COURT FOR WHICH CANDIDATE APPLIES: EASTERN CAPE  
DIVISION, GRAHAMSTOWN**

**1. The candidate's appropriate qualifications**

1.1. The candidate has appropriate qualifications, see his curriculum vitae.

**2. Whether the candidate is a fit and proper person**

2.1. The candidate is a fit and proper person as referred in his curriculum vitae.

**3. Whether the candidate's appointment would help to reflect the racial and gender composition of South Africa**

3.1. Yes, the candidate is a black male of Indian extraction.

**4. The candidate's knowledge of the law, including constitutional law**

4.1. From the judgments and his curriculum vitae that he has submitted, it appears that the candidate has a good understating of the law, and as a professor of law at the university he could be expected to have a good understanding of the Constitution.

**5. The candidate's commitment to the values of the constitution**

5.1. From the candidate's curriculum vitae it appears that the candidate is an attorney and an academic. There is however no additional information that shows his commitment to the values of the Constitution save for what is stated above.

**6. Whether any judgments have been overturned on appeal**

- 6.1. The candidate has leave to appeal applications pending against some of his judgments, but none of the pending appeals has been heard an appeal court.

**7. The extent and breadth of the candidate's professional experience**

- 7.1. The candidate has acquired a broad legal experience as an attorney, and as an academic. He has been exposed to labour and general civil litigation. He has a keen interest in labour law, as an academic.

**8. The candidate's linguistic and communication skills**

- 8.1. He has a good command of language and is able to communicate clearly as is apparent from his judgments and his numerous publications.

**9. The candidate's ability to produce judgments promptly**

- 9.1. Good.

**10. The candidate's fairness and impartiality**

- 10.1. From his experience as aforesaid (as an attorney and academic) and limited acting experience, the candidate would have acquired a sense of fairness and impartiality.

**11. The candidate's independent mindedness**

- 11.1. The candidate has been a member of the independent legal profession for a considerable period as reflected in his curriculum vitae and can be considered to have an independent mind. This is

further enhanced by his experience as an academic at a university environment, which generally enhances independent thinking.

**12. The candidate's ability to conduct court proceedings**

12.1. Good.

**13. The candidate's administrative ability**

13.1. The candidate has practiced as an attorney in various legal firms, and is a Dean of the Faculty of Law, and has in this regard acquired extensive administrative experience.

**14. The candidate's reputation for integrity and ethical behaviour**

14.1. The candidate has practiced as an attorney and there are no adverse reports against him.

**15. The candidate's judicial temperament**

15.1. The candidate has experience as an attorney, and as a Commissioner in the CCMA. The reviewers are not aware of adverse reports.

**16. The candidate's commitment to human rights, and experience with regard to the values and needs of the community**

16.1. Nothing stands out, in this regard.

**17. The candidate's potential**

17.1. The candidate has good potential of becoming a competent judge.

**18. The message that the candidate's appointment would send to the community at large**

18.1. The candidate's appointment will show that the country is committed to representativity of all sectors of the South African society.

**GENERAL COMMENTS:**

Whilst there is no question of the competence and suitability of the candidate for appointment to the Bench, the following needs to be taken into account:

- (i) the candidate has had a very short stint as an acting judge. He has had very limited time in practice, this may however be compensated by his extensive academic experience;
- (ii) the candidate has developed special interest in labour law, in his career as an academic, but his application is to the High Court, not the Labour Court, and as such this speciality will be of limited benefit.

**ANNEXURE: LIST OF JUDGMENTS CONSIDERED****Reported decisions**

See paragraph 10 of the Application

**Unreported Decision**

See application

**Judgments upheld on appeal:**

None

**Judgments overturned on appeal:**

None