

VACANCY: JUDGE OF THE LAND COURT

Candidate: Sekgame Shadrack Tebeile

1. The candidate's tertiary qualifications, professional admissions, honours, and permanent judicial appointments
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1.1. The candidate holds the following tertiary qualifications:

- LLB, University of Limpopo (2012).
- LLM, University of California, Los Angeles (2014).
- LLM, Georgetown University, Washington DC (2025).

1.2. The candidate holds the following professional admissions and honours:

- admitted as an advocate of the High Court (Gauteng Local Division, Johannesburg) on 06 May 2013, and commenced practice as an advocate in July 2014.
- admitted to the List of Counsel of the African Court on Human and Peoples' Rights, Arusha (April 2019).

1.3. The candidate has acted in the following roles:

- Judge of the High Court (Gauteng Division) (approximately 8 weeks).
- Judge of the High Court (Limpopo Division) and judge of the Land Court (4 court days).
- Judge of the Land Court, Johannesburg (approximately 3 and a half weeks).
- Judge of the Labour Court (approximately 1 week)

2. The candidate's integrity and ethics
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2.1. No circumstances are known to the reviewers that would suggest that the candidate is not a person of integrity with a reputation for ethical behaviour or is not a fit and proper person for appointment.

3. The racial and gender composition of the bench

3.1. As far as could be ascertained, there are current four permanent judges of the Land Court:

- 2 black women (1 African, 1 Coloured)
- 1 black man (African)
- 1 white woman

3.2. According to the questionnaire, the candidate is an African man.

4. The maximum period the candidate could serve if appointed

4.1. At the time of the interviews, the candidate will be approximately 37 years old. If appointed, the candidate would be eligible to complete a period of up to 32 years and 11 months of active service as a judge.

5. The candidate's personal commitment to the values of the Constitution

5.1. Nearly all of the candidate's extra-judicial work has focused on constitutional rights, and it appears most of it has been unpaid.

5.2. Since 2018, he has acted as *pro bono* counsel to the Saviour Association of School Governing Bodies and its member SGBs, litigating in the Free State, Mpumalanga and Limpopo Divisions on the right to basic education and the right to just administrative action under section 33. In one Free State matter concerning a learner excluded from class, he not only acted without fee but personally funded the disbursements and travel costs; the urgent application succeeded, and the Department was ordered to provide an enrichment programme to recover the lost learning.

5.3. The candidate's human rights work extends beyond South Africa. He was admitted to the list of counsel for the Legal Aid Scheme of the African Court on Human and Peoples' Rights, and he acts in that capacity on a *pro bono* basis.

5.4. He has contributed to legal education as, for instance, a sessional lecturer in Constitutional Law: Bill of Rights at the University of the Witwatersrand, by giving occasional public lectures, mentoring students and graduates, and serving as a judge of various moot competitions.

- 5.5. The candidate was a law researcher to a Justice of the Constitutional Court in 2012 and 2013.
- 5.6. The candidate's activism predates his admission. As a Grade 12 learner, he organised a march that resulted in a school feeding scheme being extended to secondary schools in Limpopo in 2008.

6. The candidate's knowledge of the law, including constitutional law
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- 6.1. The candidate's judgments are well researched and thoughtful, reflecting a clear appreciation of legal principles and their application to the facts before him.
- 6.2. Only two of the candidates' judgments found are land-related judgments. *Dreyer and Dreyer CC v NJM and Others* (LanC 03R/2025) [2025] ZALCC 13 is an automatic review under section 19(3) of the Extension of Security of Tenure Act 62 of 1997 of an eviction order, and *Fakazi Community Trust v Potgieter and Others* (2026/136436) [2026] ZALCC concerned an urgent application under rule 34(1)(a) of the Land Court Rules to restrain the sale of land subject to a restitution claim and to compel an endorsement of the title deed.
- 6.3. Several of the candidate's judgments are quantum assessments in the context of Road Accident Fund claims. The cases are unopposed, but the candidate's judgments show critical and careful treatment of the plaintiffs' cases and the expert reports, and the candidate does not blindly adopt the views of experts or the parties' submissions.
- 6.4. The candidate's decisions in summary judgment cases, such as *FirstRand Bank Ltd v Deoki and Others* [2026] ZAGPJHC 609; 2026 JDR 2620 (GJ) and *Standard Bank of South Africa v Parsley* [2026] ZAGPJHC 792; 2026 JDR 3485 (GJ), reflect a careful and well-researched consideration of defences raised in such proceedings. The candidate, granting summary judgment when appropriate, does so mindful of the constitutional injunction still to consider and give effect to the rights of homeowners who risk losing their houses.
- 6.5. The candidate's Labour Court judgment, *WBHO Construction (Pty) Ltd v Masenye NO and Others* (JR1124/21, 30 July 2024), although overturned on appeal, is clearly structured, takes the grounds of review in turn, and engages with the relevant authority, including *Universal Church of the Kingdom of God v Myeni, Long v South African Breweries*. Here the candidate departed from the general rule that costs do not follow

the result in that court, and gave reasons anchored in the employee's impecuniosity and the withdrawal of his attorneys.

- 6.6. The candidate's post-graduate studies, coupled with his *pro bono* commitments, suggest that his knowledge of and command of public law and constitutional law is especially sound.

7. Judgments of the candidate that have been overturned, upheld, or commented on, on appeal:

- 7.1. The candidate has disclosed that, in respect of his cases, leave to appeal in one judgment has been refused, being the case of *WBHO Construction Pty Ltd v Masenye NO and Others* (JR1 124.21).
- 7.2. The Labour Appeal Court overturned the candidate's judgment in the decision of *WBHO Construction (Pty) Ltd v Masenye NO and Others* (JA 124/24) finding that the candidate applied the reasonableness test, whereas the candidate ought to have applied the correctness test. The Labour Appeal Court held further that, even if the reasonableness standard had been applied, there was no procedural or substantive unfairness.

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

- 8.1. The candidate's professional experience as an advocate appearing in the Land Court, Labour Court, High Court, Supreme Court of Appeal, Electoral Court, Constitutional Court, and African Commission on Human and People's Rights suggests that he has a firm grasp of the procedural aspects of practising public law, and sound and wide-ranging understanding of public law and human rights litigation in particular.
- 8.2. His account of his practice at section 6.2 of the questionnaire records constitutional law at 45 per cent, administrative law at 40 per cent, labour law at 10 per cent, general civil litigation at 3 per cent, and divorce and criminal law at 1 per cent each. That is a practice conducted very largely on motion and on review, and it does not reflect substantial experience of trial work with oral evidence, which is a material part of the Land Court's ordinary business in tenure, restitution and redistribution matters.
- 8.3. His practice areas do not include a special focus on land law, and include only a small percentage of cases concerning civil litigation and criminal law. Nor has the candidate attached any significant land cases in which he was counsel. This suggests that the

candidate's trial experience and land law may require further focus before elevation to a specialist court.

9. The candidate's linguistic and communication skills

- 9.1. The candidate's judgments are written in English.
- 9.2. Nothing in the judgments and other writings considered by the reviewers indicates that the candidate's linguistic and communication skills are not adequate.

10. The candidate's ability to produce judgments promptly
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- 10.1. The candidate indicated that eight judgments were outstanding at the time of completing the questionnaire.
- 10.2. The candidate does not list the reserved judgments, so the reviewers have been unable to ascertain which of these judgments are still outstanding.
- 10.3. Of the 27 judgments of the candidate considered by the reviewers, one was handed down more than three months after hearing.
- 10.4. Eight outstanding reserved judgments is a relatively substantial number measured against total acting service of approximately 13 and a half weeks, and the candidate's acting service has been heavily concentrated in the period December 2025 to June 2026. The JSC may wish to ascertain the current position in respect of those judgments.

11. The candidate's ability to conduct court proceedings fairly, efficiently, and effectively
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- 11.1. The reviewers received no adverse comments from colleagues relating to the candidate's ability to conduct court proceedings fairly, efficiently, and effectively.

12. The candidate's independent-mindedness

- 12.1. There is no reason to believe that the candidate, if appointed, would not bring an independent mind to bear on issues presented for judicial determination, nor that the candidate would be unduly influenced in any way, including by the executive or legislative branches of government.
- 12.2. The candidate appears to have been a complainant before the JSC in respect of complaints against the Judge President of the Limpopo Division, which complaints appear to have been upheld at least in part by the Judicial Conduct Committee. The

candidate practices regularly in the Limpopo Division. Irrespective of the merits of his complaint, the candidate's willingness to lodge such complaints reflects that he is independent-minded and prepared to take a stance, even to the possible prejudice of his own career.

- 12.3. The candidate lists as entities in which he has held a directorship or other interests the 'Tebeila Institute NPC' and the 'Tebeila Institute of Leadership and Training'. The candidate acted in *Tebeila Institute of Leadership, Education, Governance and Training v Limpopo College of Nursing and Another* 2015 (4) BCLR 396 (CC). The JSC may wish to probe the candidate's relationship with the applicant in that case, and the suitability of an advocate acting for an entity in which he may have an interest.

13. The candidate's administrative ability (other than in relation to court proceedings)

- 13.1. The candidate's *curriculum vitae* and the letter nominating him show that he has played several leadership roles over the years and is widely involved in community and advocacy groups.

14. The message that the candidate's appointment would send to the public at large

- 14.1. The candidate's commitment to the promotion of constitutional values, particularly in the field of education, is unquestionable. He has also achieved a remarkable amount given his relative youth and his personal circumstances. In this context, his appointment would be broadly supported and welcomed.
- 14.2. However, the candidate has practised for just over 12 years, and has not yet penned any reported judgments.
- 14.3. Given that this is a specialist court, the candidate may benefit from more exposure to land law and the land court.
- 14.4. The candidate's practice, conducted from Polokwane and directed largely at rural and indigent litigants in Limpopo, Mpumalanga and the Free State, is under-represented on the bench, and his appointment would send a positive message about the value the judiciary places on that work.

ANNEXURE: LIST OF JUDGMENTS CONSIDERED

Reported judgments

None disclosed or identified

Unreported judgments

1. *BMW Financial Services (South Africa) (Pty) Ltd v Dawood* 2024/42344 [2026] ZAGPJHC 784
2. *Brondani v Brondani* 2021/52977 [2026] ZAGPJHC 766
3. *BW and Another v Road Accident Fund* 2021-26549 [2026] ZAGPJHC 712
4. *Department of Forestry, Fisheries and Environment v Sono NO and Others* (JR2672/2021) [2026] ZALCJHB 192
5. *Dreyer and Dreyer CC v NJM and Others LanC* 03R/2025 [2025] ZALCC 13
6. *Fakazi Community Trust v Potgieter and Others* (2026/136436) [2026] ZALCC 32
7. *FirstRand Bank Ltd v Deoki and Others* 2024-122884 [2026] ZAGPJHC 609
8. *IS v MTS and Another* (5214/2013) [2026] ZAGPJHC 701
9. *Kotze v Road Accident Fund* 2025/053081 [2026] ZAGPJHC 593
10. *Maqhawe v Sithole and Associates Inc Attorneys and Another* (23076/2022) [2026] ZAGPJHC 752
11. *Makhaye v Road Accident Fund* 2022-16713 [2026] ZAGPJHC 654
12. *Mdlalose v Road Accident Fund* 2024/023089 [2026] ZAGPJHC 129
13. *Mphiwa v Road Accident Fund* 2023/108625 [2026] ZAGPJHC 582
14. *New Market Developments (Pty) Ltd v Spliff Cafe (Pty) Ltd* (2025/107813) [2026] ZAGPJHC 757
15. *NMK v Road Accident Fund* 2016/28724 [2026] ZAGPJHC 672
16. *PRC obo LMC v Road Accident Fund* 2020/15524 [2026] ZAGPJHC 188
17. *Rampf v Gerardo Trading (Pty) Ltd and Others* 2025/044654 [2026] ZAGPJHC 758
18. *Scania Finance Southern Africa (Pty) Ltd v Fensham Group (Pty) Ltd and Others* (2025/101344) [2026] ZAGPJHC 713

19. *Standard Bank of South Africa v Parsley* 2022/023836 [2026] ZAGPJHC 792

20. *Thekiso v Road Accident Fund* 2019-26721 [2026] ZAGPJHC 615

21. *SFK and Others v Road Accident Fund* 2023-114386 [2026] ZAGPJHC 606

22. *Smith NO v Road Accident Fund* 2024/077761 [2026] ZAGPJHC 188

Judgments upheld on appeal

None disclosed or identified

Judgments overturned on appeal

23. *WBHO Construction (Pty) Ltd v Masenye NO and Others* [2024] ZALCJHB 288
overturned in *WBHO Construction (Pty) Ltd v Masenye NO and Others* [2026] ZALAC
10; [2026] 5 BLLR 486 (LAC); (2026) 47 ILJ 1122 (LAC)

Academic writings

None disclosed or identified