

SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN SUPREME COURT OF APPEAL

FROM: The Registrar, Supreme Court of Appeal

DATE: 28 March 2007

STATUS: Immediate

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal

The Supreme Court of Appeal today dismissed an appeal brought by Mr Mervyn Dendy, a former associate professor at the University of Witwatersrand, against a judgment of the Johannesburg High Court in which exceptions to two claims brought by him against the University were upheld.

Following on an unsuccessful application by Mr Dendy for promotion to a chair of law at the university he claimed damages from the university alleging that his constitutional right to dignity had been violated because of the manner in which his application had been considered by the selection committee and because his request for the reasons for the committee's decision and a copy of the minutes of its meeting had been refused. He alleged in this regard that he was humiliated and insulted by the conduct of the university's representatives and that a reasonable person in his position would also have been humiliated and insulted.

The Supreme Court of Appeal upheld exceptions to these claims on the ground that a reasonable person would not have felt humiliated and insulted in the circumstances. Three members of the court also held that in any event it was not necessary to develop the common law in terms of s 39 (2) of the Constitution to provide the remedy of an action for damages on the facts pleaded in Mr Dendy's particulars of claim.