

## **Dealing with examination and assessment irregularities in an era of rapid change: a South African judicial perspective**

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The occurrence of examination and assessment irregularities can seriously damage public confidence in the validity and legitimacy of examination and assessment results and should be dealt with as a matter of urgency within the judicial framework established for this purpose. Thus, the National Policy on the conduct of Senior Certificate examinations indicates that, a Senior Certificate may not be issued to a candidate found guilty of an irregularity even though he/she satisfies the requirements for a Senior Certificate., pending the holding of a hearing.

The problem that emerges where candidates fail to appear for a hearing as it raises the question whether the department can cancel the results of a candidate without the said candidate having personally presented his/her case.

The purpose of this paper is to address this issue in lieu of common law development prior to the advent of the 1996 constitutional dispensation and the way in which the common law rule has been altered by Section 34 of the 1996 Constitution.