

This application by the petitioner, a member of the Scheduled Tribe, the Sarpanch of Kondapalli Gram Panchayat in Yellavaram Tq., East Godavari District is under Art.226 of the Constitution of India to issue a writ of mandamus declaring respondents 4 to 11 not to function as Sarpanches of the respective Gram Panchayats wholly situated in scheduled area and respondents 4 and 5 not to function as the President and Vice President of the Panchayat Samithi as they, *being non-tribals* are not competent to be elected to those offices which are reserved only for the members of the Scheduled Tribes.

The counter filed on behalf of the 4th respondent does not dispute the fact that Rajavamang Panchayat samithi, to which he has been elected as President on 18.7.1970 is situated wholly in the scheduled area. The Sarpanches for the Gram Panchayats situated wholly in the scheduled area shall have to be elected only from amongst the members of the scheduled tribes as per G.O.ms.

G.O.has been upheld by this Court in W.P.No. 1719/70 dated 17.7.1970. In the circumstances, I have no hesitation to hold that respondents *being non-tribals*, 4 to 11 are not competent and eligible to be elected to the office of Sarpanches of their respective Gram Panchayats situated wholly in the scheduled area. The election of those respondents as Sarpanches of their respective Gram Panchayats is hereby declared to be null and void. The election of respondents 4 and 5 as President and Vice President of the Samithi must be declared to be illegal in view of G.O. No.587 dated 13.5.1964 which has been upheld by this Court.

For these reasons the writ petition is allowed setting aside the election of respondents as Sarpanches to the respective gram panchayats 4 to 11 with a direction to the concerned authorities to conduct the elections for the offices of the Sarpanches of the respective Gram Panchayats afresh according to law as early as possible. The election of R4 and R5 as President and Vice President of the Samithi also is hereby set aside with a direction that fresh election to those office be made according to law as early as possible.