

STATE ELECTION COMMISSION

3rd Floor, Buddha Bhavan, M.G. Road, Hyderabad-500003, A.P.

Navin Mittal, IAS
Secretary

Off: 27545350, 27543122
Fax: 27544580, 27544428
Email: secy.apsec@gmail.com
Website: www.apsec.gov.in

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To

All the Collectors and District Election Authorities.

Sir/Madam,

Sub: State Election Commission – 4th ordinary elections to MPTCs/ZPTCs – Eligibility of person holding office of Sarpanch / Ward Member of Gram Panchayat to contest election as Member, MPTC or Member, ZPTC – Reg.

Some of the Chief Executive Officers of Zilla Praja Parishads are seeking a clarification as to whether a person already holding the post of Sarpanch or Ward Member of a Gram Panchayat can contest election as Member, MPTC or Member, ZPTC.

In this connection, attention is drawn to Sub-sections (2) and (3) of Section 234 of the A.P. Panchayat Raj Act, 1994, which reads as under.

234. Prohibition of holding dual offices and vacation of seats: (1) No person shall be entitled to contest in the elections to the offices of member of the Gram Panchayat from more than one ward or to the office of member of the Mandal Praja Parishad or Zilla Praja Parishad from more than one territorial constituency.

(2) No person shall be a member of the Gram Panchayat, member of the Mandal Praja Parishad or Zilla Praja Parishad simultaneously and if he is so elected, he shall retain only one office and vacate the other office or offices in the manner prescribed.

(3) Where a person is elected to more than one office of member of the Gram Panchayat or Mandal Praja Parishad or Zilla Praja Parishad and Sarpanch or President or Chairperson he shall retain one office and vacate the other office or offices in the manner prescribed except when his continuance as member of the Mandal Praja Parishad or Zilla Praja Parishad is necessary to continue as President or as the case may be the Chairperson thereof.

(PTO)

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It is clear from Sub-section (2) and (3) of Section 234 of the A.P.P.R. Act, 1994 that there is no statutory bar for a person already holding the post of Sarpanch or Ward Member of a Gram Panchayat to contest election as Member, MPTC or Member, ZPTC. However, if he is elected as Member, MPTC or Member, ZPTC, he has to retain one post and vacate the other within (15) days from the date of election as laid down in G.O.Ms.No.135, P.R. & R.D. (Elec.III) Department, dated 13.03.1995. **Therefore, a person holding the office of Sarpanch or Ward Member of a Gram Panchayat is eligible to contest election as Member, MPTC or Member, ZPTC.**

It is also clarified that **a person can contest to the office of Member, MPTC and also Member, ZPTC and in case he is elected to both the posts, he has to retain one and vacate the other within 15 days from the date of election as laid down in the said G.O.**

Yours faithfully,
Sd/- Navin Mittal
Secretary

Copy to all Chief Executive Officers of Zilla Praja Parishads.

// Attested //


Joint Secretary