

**W.P.(PIL) No.194 of 2026 along with
W.P.(PIL) Nos.201 of 2026; 210 of 2025; 126 of 2026****1. W.P.(PIL) No.194 of 2026:**

Thandava Yogesh ...Petitioner

Vs.

The State Election Commission and others ...Respondents

2. W.P.(PIL) No.201 of 2026:

Penamakuru Venkata Narasimha Sarma ...Petitioner

Vs.

Union of India and others ...Respondents

3. W.P.(PIL) No.210 of 2025:

Kesana Sankara Rao ...Petitioner

Vs.

State of Andhra Pradesh and others ...Respondents

4. W.P.(PIL) No.126 of 2026:

Mulaveesala Durga Prasad ...Petitioner

Vs.

The State of Andhra Pradesh and others ...Respondents

Reserved for orders on : **16.09.2026** - W.P.(PIL) Nos.194 & 201 of 2026 &
24.09.2026 - W.P.(PIL) Nos.210 of 2025 & 126 of 2026

Pronounced on : **01.10.2026**

Whether only operative : **Full**
part of the judgment is
pronounced or whether
full judgment is pronounced

**CORAM : THE CHIEF JUSTICE LISA GILL
SRI JUSTICE CHALLA GUNARANJAN**

DATE : 01st October 2026

Present:

Party in Person	:	Mr. Thandava Yogesh in W.P.(PIL) No.194 of 2026
Advocate for Petitioner	:	Mr. Gundala Siva Prasad Reddy in W.P.(PIL) No.201 of 2026
		Mr. A. Satya Prasad, Sr. Counsel with Mr. U. D. Jai Bhima Rao in W.P.(PIL) No.210 of 2025
		Mr. G. Sai Narayana Rao in W.P.(PIL) No.126 of 2026
Advocates for Respondents	:	Mr. Devadatt Kamat, Sr. Counsel (through V.C.) & Mr. D. Srinivas, Advocate General, A.P., with Mr. D. Yatindra Dev, Spl. GP for State

LISA GILL, CJ.

These Writ Petitions filed by way of Public Interest Litigation are being decided by a common decision as the issues raised are closely interlinked with the common thread of elections to Local Bodies running through them. W.P.(PIL) Nos.194 & 201 of 2026 were heard on 16.09.2026; W.P.(PIL) Nos.210 of 2025 & 126 of 2026 were heard on 24.09.2026 and reserved for orders.

2. Petitioners in W.P.(PIL) Nos.194 & 201 of 2026 seek setting aside of G.O.Ms.No.105, Panchayat Raj and Rural Development (E & R) Department, dated 20.08.2026, prescribing 34% reservation for Backward

Classes in Panchayat Raj Institutions; and G.O.Rt.No.1065, Municipal Administration and Urban Development (G) Department, dated 19.08.2026, prescribing 33.33% reservation for Backward Classes in Urban Local Bodies inasmuch as it is not ensured that aggregate vertical reservation for SCs, STs and BCs remains within constitutionally permissible limits of 50% and thus are contrary to judgments of Hon'ble the Supreme Court in ***Dr. K. Krishnamurthy Vs. Union of India***¹, ***Vikas Kishanrao Gawali Vs. State of Maharashtra***², and ***Suresh Mahajan Vs. State of Madhya Pradesh***³, and decision of Division Bench of this Court in ***Birru Prathap Reddy Vs. State of Andhra Pradesh***⁴, which was upheld by Hon'ble the Supreme Court.

3. W.P.(PIL) No.210 of 2025 has been filed seeking a direction to respondent State to undertake a population survey for Backward Class communities in State of Andhra Pradesh for purpose of conducting election to local bodies and for declaring inaction on the part of said respondents in conducting this survey to be illegal, arbitrary, violative of constitutional scheme and contrary to directions of this Court in the cases of ***Nimmaka Jaya Raj Vs. The Government of Andhra Pradesh***⁵, and ***Birru Prathap Reddy*** (supra).

4. W.P.(PIL) No.126 of 2026 has now been filed seeking a direction to respondents to implement reservation for Backward Classes in Gram Panchayat Elections by strictly adhering to sub-classification among Backward

¹ (2010) 7 SCC 202

² (2021) 6 SCC 73

³ (2022) 12 SCC 770

⁴ 2020 SCC OnLine AP 109

⁵ 2012 SCC OnLine AP 196

Classes, as it is submitted that non-implementation of reservation of Backward Classes by following sub-classification (BC-A, BC-B, BC-C, BC-D & BC-E) for posts of Sarpanches under Section 15(2) of A.P. Panchayat Raj Act, 1994 (for short, "APPRA") and treating all Backward Classes as a single homogenous block is illegal, arbitrary and unconstitutional.

5. For sake of convenience, facts referred to are from Writ Petition (PIL) No.194 of 2026, as it is agreed that reference to pleadings in individual petitions is not required. Issue thus pertains to quantum of reservations for Backward Classes for purpose of election to Local Bodies and the basis or substratum for arriving at such percentage.

6. G.O.Ms.No.105 dated 20.08.2026 was issued by respondent-State in respect to reservation to be provided to Backward Classes in Panchayat Raj Institutions. It is stated therein that Government has decided to restore 34% reservation for Backward Classes in offices of Members of Gram Panchayat (Section 9 APPRA), Sarpanch of Gram Panchayats (Section 15 APPRA), Members of Mandal Praja Parishads (MPTCs) (Section 152 APPRA), Presidents of Mandal Praja Parishads (Section 153 APPRA), Members of Zilla Praja Parishads (ZPTCs) (Section 180 APPRA), and Chairpersons of Zilla Praja Parishads (Section 181 APPRA). It is ordered that 34% of seats/offices specified in abovesaid shall be reserved for Backward Classes in accordance with APPRA; Rules made thereunder and orders of competent Courts in force, duly superseding orders issued in G.O.Ms.No.559, Panchayat Raj and Rural Development (E & R) Department, dated

02.03.2020, and G.O.Ms.560, Panchayat Raj and Rural Development (E & R) Department, dated 02.03.2020, which are superseded to extent they are inconsistent with G.O.Ms.No.105 dated 20.08.2026.

7. G.O.Rt.No.1065, Municipal Administration and Urban Development (G) Department was issued on 19.08.2026 relating to ensuing Ordinary Elections to Urban Local Bodies including Municipal Corporations, Municipalities and Nagar Panchayats in the State, implementation of existing one-third i.e. 33.33% reservation for Backward Classes under Section 6 and 14(A) of Andhra Pradesh Municipal Corporations Act, 1994 regarding Municipal Corporations and under Sections 8 and 24 of Andhra Pradesh Municipalities Act, 1965 in respect of Municipalities and Nagar Panchayats is directed. W.P.(PIL) Nos.194 & 201 of 2026 were filed by way of public interest challenging said GOs.

8. Brief facts necessary for adjudication of matter are that APPRA was enacted on 21.04.1994. Article 243D - Part IX of Constitution of India provides for reservation of seats for Scheduled Castes and Scheduled Tribes at Panchayat Level. Article 243D(6) enables State Legislature to provide for reservation of seats and offices of Chairpersons at Panchayats at any level in favor of Backward Classes. Article 243T(6) provides for reservation of Backward Classes in Municipalities.

9. By way of Andhra Pradesh Panchayat Raj (Amendment) Act, 1995 (Act No.5 of 1995), State Legislature substituted earlier provision of one-

third reservation for Backward Classes in relevant seats and offices of Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads to a statutory minimum of 34%. Said amendment provided reservation for Backward Classes “not less than 34%” in relevant provisions i.e. Section 9(1-A), 15(2), 152(1-A), 153(2-A), 180(1-A) and 181(2)(b) APPRA.

10. Said amendment was challenged vide W.P.(PIL) No.2 of 2020 titled ‘**Birru Prathap Reddy Vs. The State of Andhra Pradesh & others**’ & batch. Said batch of writ petitions was allowed on 02.03.2020 and G.O.Ms.No.176 PR & RD dated 28.12.2019 was set aside. Thereafter, impugned G.O.Ms.No.105, dated 20.08.2026 and G.O.Rt.No.1065, dated 19.08.2026 have now been issued, which are subject matter of challenge in W.P.(PIL) Nos.194 & 201 of 2026.

Submissions on behalf of petitioners:

11. Learned counsel for petitioners vehemently argued that impugned G.O.Ms.No.105, dated 20.08.2026 and G.O.Rt.No.1065, dated 19.08.2026, are absolutely illegal, arbitrary and in the teeth of settled position of law and issued in a manner totally unmindful of the fact that earlier G.O.Ms.No.176, dated 28.12.2019 providing for such reservation had been set aside by Division Bench of this Court in the case of **Birru Prathap Reddy**, with the said decision having attained finality. Therefore decision of Government to “restore” 34% reservation for Backward Classes was taken vide G.O.Ms.No.105 and G.O.Rt.No.1065.

12. It was contended that triple test, as laid down by Hon'ble the Supreme Court in the case of **Vikas Kishanrao Gawali** (supra), has not been satisfied. As a matter of fact, the exercise of determining the percentage of Backward Class persons in the State by a dedicated commission has not been carried out. There is no data available as on date which would justify restoration of reservation of not less than 34% for backward classes. It is asserted that there is no material on record to indicate any empirical inquiry undertaken by dedicated commission. Furthermore, reliance by the State upon a contemporary statewide household level enumeration through Unified Family Survey cannot be made the basis for restoration of reservation for Backward Classes as above. It was thus prayed by Mr. Thandava Yogesh and Mr. G. Siva Prasad Reddy, learned counsel representing petitioners that W.P.(PIL) Nos.194 & 201 of 2026 be allowed as prayed for and impugned Government Orders be set aside.

13. Mr. A. Satya Prasad, learned Senior Counsel for petitioner in W.P.(PIL) No.210 of 2025 submits that there had been no data with State Government in the year 1986, whereafter figures collected by Backward Class Cooperative Finance Corporation Limited, Hyderabad, were taken in consideration for purpose of reservation, but the same did not find favour with this Court, as revealed in the case of **Nimmaka Jaya Raj** (supra), specific directions were issued therein, which had not been complied with even till date.

14. It is contended that a dedicated Backward Class Commission has to be appointed; the task of which is not to fix the proportion of reservation but to conduct proper survey and collect empirical data for determination of Backward Classes. Dedicated Commission so appointed with Sri Justice A. Shankar Narayana, former Judge of erstwhile High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh, with three other Members vide G.O.Ms.No.2, dated 30.01.2023, cannot be termed to be a Dedicated Commission and that subsequent appointment of so called One-Man Dedicated Commission constituted on 11.12.2025 is in total violation of the Andhra Pradesh Commission for Backward Classes Act, 1993.

It is to be noted that there is no such prayer in WP(PIL) No.210 of 2025.

15. Learned counsel for petitioner in W.P.(PIL) No.126 of 2026 submits that prayer in said writ petition is for sub-classification of Backward Classes. He adopts the arguments as raised by learned counsel for petitioner in W.P.(PIL) No.210 of 2025, while submitting that sub-classification of Backward Classes is the need of the hour to fulfill the constitutional mandate. Learned counsel for petitioners in all four writ petitions, thus, prayed for the relief as argued.

Submissions on behalf of respondents:

16. Mr. Devadatt Kamat, learned Senior Counsel appearing for State and learned Advocate General, while refuting averments as raised on behalf of all writ petitions, sought dismissal of writ petitions.

17. Learned counsel were at pains to explain that impugned G.O.Ms.No.105 dated 20.08.2026 and G.O.Rt.No.1065, dated 19.08.2026 were issued on the basis of data collected under comprehensive Unified Family Survey, which was also supplied to Dedicated Commission, and the same can very well form the basis of determining the extent of reservation of Backward Classes.

18. It was submitted by learned Advocate General that State of Andhra Pradesh undertook a comprehensive Unified Family Survey under Family Benefit Management System (FBMS), pursuant to G.O.Rt.No.207, Planning (XIII) Department, dated 23.12.2025, with the object of creating an updated and unified database of household and citizens of State, and to facilitate evidence-based policy design and implementation. Earlier Andhra Pradesh State Commission for Backward Classes, Vijayawada, as a dedicated commission, was constituted vide G.O.Ms.No.2, dated 30.01.2023. Report was not submitted by said commission. Therefore, after due consideration, G.O.Ms.No.3, dated 19.02.2026, was issued constituting an Independent Dedicated Commission with Mr. Rajiv Ranjan Mishra, retired IAS, being appointed as Independent Dedicated Commission to conduct a contemporaneous and rigorous empirical inquiry into the nature, extent and implications of backwardness qua Local Bodies within State of Andhra Pradesh.

19. It was directed that Dedicated Commission would determine and specify the proportion of reservation to be provided, local-body wise, strictly in

conformity with provisions of Constitution of India and in adherence to principles laid down by Hon'ble Apex Court in **Dr. K. Krishnamurthy** (supra) and **Vikas Kishanrao Gawali** (supra), and to submit a comprehensive report, preferably within a period of 45 days; period for submission of report was subsequently extended vide G.O.Rt.No.63, G.O.Ms.No.7, G.O.Ms.No.10 and G.O.Ms.No.11, dated 13.05.2026, 22.06.2026, 04.08.2026 and 31.08.2026 respectively.

20. Dedicated Commission, in addition to data collected in UFS process, which was supplied to commission, conducted its own rigorous data collection, supplemented by extensive field visits to various Districts, Municipalities and Mandals. During such tours, said commission held in-depth review meetings with State and District Level officials as well as interactions with Revenue, Divisional, Mandal, Municipal and field-level officials; direct interactions with local communities was also ensured.

21. Wide publicity was given through print and electronic media with public being invited to either visit commission's office to submit representations/memorandums through post or e-mail, which could be submitted till 01.04.2026, with date being extended till 21.07.2026; 653 representations were received by commission. Besides numerous district-level meetings, commission also visited Institute for Development Studies, Andhra Pradesh, on 30.04.2026 and held discussions with various experts regarding mandate and objectives of commission; relevant research studies, statistical data and reports were taken into account; former Member of Andhra Pradesh

State Commission for Backward Classes and other experts in anthropology from Anthropology Survey of India, Government of India, Visakhapatnam, were consulted. Commission, after analyzing the data and information obtained through ground-level meetings, submitted its report to State Government on 14.08.2026. Said report dated 14.08.2026, it was informed, was under consideration and had not yet been accepted or otherwise.

22. Learned Advocate General refuted the allegations as raised by learned counsel for petitioners and contended that Independent Dedicated Commission comprising Mr. Rajiv Ranjan Mishra, former IAS Officer, constituted to undertake a specialized enquiry required for a Local Body reservation, was entrusted with examining relevant empirical material concerning social, educational, economic and political status of Backward Class communities, their population and representation in local parties. Furthermore, though population percentage alone does not determine quantum of political reservation, it is an important and exclusive input to determine nature and extent of backwardness in political sphere, barriers to participation, actual representation and need to secure effective participation in grassroots democratic institutions.

23. Mr. Devadatt Kamat, learned Senior Counsel, further submitted that present Government Orders providing for reservation of not less than 34% and 33.33% and which results in aggregate vertical reservation of 61.08% and 49.24% respectively, is founded upon fresh and contemporaneous demographic data and empirical exercise undertaken. Said

G.O.Ms.No.105 and G.O.Rt.No.1065 restoring 34% and 33.33% reservation for Backward Classes cannot be treated to be a mere revival of earlier exercise only on account of percentage being the same.

24. It was further contended that impugned G.O.Ms.No.105 and G.O.Rt.No.1065 are not in violation of **Birru Prathap Reddy** (supra) on account of the fresh exercise which has been undertaken for the purpose of determining percentage of Backward Classes. Moreover, judgment of Hon'ble the Supreme Court in **Dr. K. Krishna Murthy Vs. Union of India**⁶, to the extent that there cannot be any reservation beyond the limit of 50% has been diluted by Hon'ble the Supreme Court in its subsequent decision in the case of **Janhit Abhiyan Vs. Union of India**⁷, wherein it has been held that the bar of 50% as a ceiling limit for reservation by way of affirmative action is desirable but is not inviolable. Dismissal of writ petitions was thus sought.

25. Learned counsel vehemently argued that as far as arguments raised by learned counsel for petitioner in W.P.(PIL) No.210 of 2025, specifically in respect to appointment of Commission vide G.O.Ms.No.2, dated 30.01.2023 and subsequent appointment of Independent Dedicated Commission vide G.O.Ms.No.3, dated 19.02.2026 are concerned, they need to be ignored. This is so for the reason that there is no such pleading in writ petition. It is only by way of oral arguments, learned counsel for petitioner in W.P.(PIL) No.210 of 2025 has attacked formation / constitution of Commission

⁶ (2010) 7 SCC 202

⁷ (2023) 5 SCC 77

on 30.01.2023 and subsequently on 19.02.2026. It was urged that at the time of filing of above said writ petition, appointment of Commission vide G.O.Ms.No. 2, dated 30.01.2023, had admittedly taken place.

26. Learned Advocate General while dealing with contention raised in W.P.(PIL).No.126 of 2026, submitted that there is no express mandate under provisions of APPRA, 1994 providing for reservations on the basis of sub-classification, thus, as a matter of right, reservations for backward classes by following sub-classification cannot be sought for.

27. It was further contended by learned Advocate General that W.P. (PIL) Nos.210 of 2025 and 126 of 2026 are rendered infructuous due to issuance of G.O.Ms.No.105, dated 20.08.2026, and G.O.Rt.No.1065 dated 19.08.2026. Dismissal of writ petitions was sought.

28. We heard learned counsel for parties at length and have perused the files carefully.

Analysis & Conclusion:

29. It is a matter of record that by way of 73rd amendment to Constitution of India specific provisions were introduced regarding Local Bodies, Part IX of Constitution of India deals with Panchayats and Part IX-A with Municipalities. Article 243D provides for reservation of seats in Panchayats and Article 243T provides for reservation of seats in Municipalities. It is specifically provided therein that proportionate ratio of population for reservation of seats is made applicable with respect to

Scheduled Castes and Scheduled Tribes. For purpose of Backward Classes, Articles 243D(6) and 243T(6) of Constitution enables Legislature of State to make provisions regarding reservation of seats in Panchayats or offices of Chairpersons in Panchayats at any level and Municipalities or offices of Chairpersons in Municipalities.

30. State of Andhra Pradesh in terms of Article 243D(6) of Constitution of India had earlier issued G.O.Ms.No.173, dated 28.12.2020, whereby reservation for Backward Classes 'not less than 34%' in relevant provisions i.e. Section 9(1-A), 15(2), 152(1-A), 153(2-A), 180(1-A) and 181(2)(b) of APPRA was introduced.

31. Section 9 of APPRA dealing with reservation of seats of members of Gram Panchayats, after issuance of G.O.Ms.No.173, dated 28.12.2020, thus, read as under:

"9. Reservation of seats of members of Gram Panchayats:-

(1) In every Gram Panchayat, out of the total strength of elected members determined under Section 7, the Commissioner shall, subject to such rules as may be prescribed, by notification, reserve –

(a) such number of seats to the Scheduled Castes and Scheduled Tribes as may be determined by him, subject to the condition that the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election to the Gram Panchayat, as the population of the Scheduled Castes, or as the case may be, Scheduled Tribes in that village bears to the total population of that village, and such seats may be allotted by rotation to different wards in a Gram Panchayat;

(b) Omitted by Act No.5 of 1995

(c) not less than one-third of the total number of seats reserved under [clause (a) and sub-section (1-A)] for women belonging to the Scheduled Castes, Scheduled Tribes or as the case may be the Backward Classes;

(d) not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes) of the total number of seats to be filled by direct election to every Gram Panchayat shall be reserved for women and such seats may be allotted by rotation to different wards in a Gram Panchayat.

(1A) In addition to the reservation of seats under sub-section (1), there shall be reserved for the Backward Classes such a number of seats as may be allocated to them in each Gram Panchayat in the manner prescribed; so however that the number of offices of members of Gram Panchayats in the State reserved for Backward Classes shall not be less than thirty-four per cent of the total number of offices of the members of Gram Panchayats in the State. The number of seats allocated to each Gram Panchayat shall be allotted by rotation to different wards in the Gram Panchayat:

Provided that it shall be competent for the Government to make special provision with regard to the manner and quantum of seats to be reserved for Backward Classes in the Gram Panchayats situated in the Scheduled areas by rules made in this behalf."

(2) Nothing in sub-sections (1) and [(1A) shall be deemed to prevent women and members of the Scheduled Castes, Scheduled Tribes or Backward Classes from standing for election to the non-reserved seats in the Gram Panchayat."

32. This was challenged before this Court by way of W.P.(PIL) No.2 of 2020 titled '**Birru Prathap Reddy Vs. The State of Andhra Pradesh**' (supra) and a batch of other writ petitions, which were allowed by Division Bench of this Court on 02.03.2020. It was specifically held by Division Bench that upper limit of reservation in terms of judgments of Hon'ble the Supreme

Court in ***M.R.Balaji Vs. State of Mysore*** and ***Indra Sawhney vs. Union of India***⁸ is 50%, unless it fall within the purview of exceptions carved out for scheduled areas as specified in Constitution and considered in the case of ***Union of India vs. Rakesh Kumar and others***⁹. Reference was made to judgment of Constitutional Bench of Hon'ble the Supreme Court in the case of ***K. Krishna Murthy*** (supra) to conclude that upper ceiling of reservation is 50% for SCs, STs and BCs and it cannot be breached in the context of local self-Government. It was categorically held as under:

“26. It is not explicitly specified in the Constitution that what may be the basis of reservation to the BCs, although for SCs and STs, it is expressly provided that their reservation would be commensurate to their population. In the said context, in the judgment of K.Krishna Murthy (supra) the Court observed that quantum of the reservation to the BCs may also be proportionate to population, but it should not exceed the upper ceiling of 50% to the vertical reservation in favour of SCs, STs and BCs in aggregate. Thus, by harmonious reading of the constitutional provisions and the enabling provisions under the APPRA and the law laid down in the case of K.Krishna Murthy (supra), it can safely be observed that for BCs the reservation may be commensurate to their population, but it should not breach the aggregate percentage of 50% to the SCs, STs and BCs and the exception is available to the Scheduled Tribes of the Scheduled areas and not to the Backward Classes.”

33. Projected data by the State showing percentage of Backward Class population was not found acceptable. At this juncture, it is relevant to refer to earlier judgment of Division Bench of this Court in the case of ***Nimmaka Jaya Raj Vs. Government of A.P.***¹⁰, wherein it was specifically

⁸ (1992) 3 SCC 217

⁹ (2010)1 SCALE 281

¹⁰ 2012(6) ALD 329 (DB)

directed that i) State shall fix reservation of Backward Classes at such percentage so that it comes within 50% when the aggregate reservation of Scheduled Castes, Scheduled Tribes and Backward Classes is put together; ii) Furthermore, State shall conduct a detailed investigation with regard to backwardness of the population, collect data, invite objections from the general public, analyse the same and then fix the reservation in favour of Backward Classes in accordance with constitutional scheme. It shall also review the reservation from time to time; iii) The State Election Commission shall commence the process of elections to the local bodies in the State of Andhra Pradesh immediately and shall complete the elections within a period of three months from the date of finalisation of the reservation percentage by the State.

34. The above said judgment in the case of **Nimmaka Jaya Raj** (supra) was also considered in subsequent judgment of **Birru Prathap Reddy** (supra). It was thus concluded as under:

“40. As per the discussion made herein above, in our view, the inescapable conclusion which can be arrived at is that the vertical reservation for SCs, STs and BCs in aggregate cannot exceed 50% except in exceptional circumstances so carved out in the judgment of Indra Sawhney (supra) considered in Rakesh Kumar (supra) for the Scheduled Areas, relied and followed in the judgment of K.Krishna Murthy (supra). In view of the aforesaid legal position envisaged by the Judgment of K.Krishna Murthy (supra) prescribing not less than 34% of reservation to BCs in Sections 9(1-A), 15(2), 152(1A), 153(2A), 180(1-A) and 181(2)(b) of the APPRA, by which the aggregate vertical percentage of reservation of SCs, STs and BCs exceed 50% and comes to 59.85% is not valid. Thus, the reservation for Backward Classes “not less than 34%” used in Sections 9(1-

A), 15(2), 152(1A), 153(2A), 180(1-A) and 181(2)(b) of the APPRA is held ultra vires. Accordingly, the Rules 4, 7, 8, 10, 13 and 16 of Rules of 2006 shall prescribe the provision in consonance to the Act if amended, or as directed by this Court. In consequence to the same, the G.O.Ms.No.176 PR & RD Department issued by the State Government on 28.12.2019 of the State Government prescribing minimum 34% reservation for BCs, also stands set- aside. Further, consequential reservation, if any, made by the Commissioner or the Collector either at Gram Panchayat, Mandal Praja Parishad, Zilla Praja Parishad, be declared illegal and unconstitutional.

41. Accordingly, the said batch of Writ Petitions succeeds and are hereby allowed. In view of the discussion made herein above, it is directed that the State Government shall rearticulate the percentage of reservation of the Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads to the Backward Classes, thereby the vertical reservation to the SCs, STs and BCs should not exceed 50% in aggregate, in the light of the judgment of K.Krishna Murthy (supra). The G.O.Ms.No.176 PR & RD dated 28.12.2019 issued by the State Government providing 59.85% aggregate reservation is hereby set-aside and further consequential action regarding reservation also stands set-aside. The Government is at liberty to make provisions of reservation to the BCs in view of the discussion made herein above within a period of one month.”

35. Thereafter G.O.Ms.Nos.560 & 559, Panchayat Raj and Rural Development (E & R) Department, G.O.Ms.Nos.113 & 114, Municipal Administration and Urban Development (G) Department, all dated 02.03.2020 respectively were issued providing that total reservation for SCs, STs and BCs shall not exceed 50%.

36. Impugned G.O.Ms.No.105, dated 20.08.2026, however restores 34% reservation for Backward Classes in Panchayat Raj Institutions. Relevant portion thereof reads as under:

“5. After careful consideration, Government have decided to restore 34% reservation for Backward Classes in the following seats/offices of Panchayat Raj Institutions:

- (i) Members of Gram Panchayats – Section 9;*
- (ii) Sarpanch of Gram Panchayats – Section 15;*
- (iii) Members of Mandal Praja Parishads (MPTCs) – Section 152;*
- (iv) Presidents of Mandal Praja Parishads – Section 153;*
- (v) Members of Zilla Praja Parishads (ZPTCs) – Section 180; and*
- (vi) Chairpersons of Zilla Praja Parishads – Section 181.*

6. Accordingly, the Government hereby order that 34% of the seats/offices specified in paragraph 5 above shall be reserved for Backward Classes, in accordance with the Andhra Pradesh Panchayat Raj Act, 1994, the Rules made thereunder and the orders of the competent Courts in force duly superseding the orders issued in G.O.Ms.Nos.559 & 560, dated 02.03.2020 to the extent they are inconsistent with these rules.”

37. Similarly G.O.Rt.No.1065, dated 19.08.2026 was also issued.

Relevant portion thereof reads as under:

“5. In the circumstances reported by the Commissioner & Director of Municipal Administration, AP., in the reference 3rd read above, after careful examination, Government hereby accord permission for the following:

i. To take necessary steps for conduct of ordinary elections to the Urban Local Bodies, comprising the ULBs whose elected Council tenure has already expired and ULBs whose Council tenure will expire within the ensuing three months, in coordination with the Andhra Pradesh State Election Commission;

ii. To authorize the Municipal Administration & Urban Development Department and the Commissioner & Director of Municipal Administration to coordinate with the Andhra Pradesh State Election Commission and other concerned authorities for completion of all pre-election requirements, including electoral rolls, ward-related requirements, reservation notifications and other statutory processes;

iii. To implement existing provisions of one third (33.33%) reservations for Backward Classes vide Section 6 and 14 (A) of AP Municipal Corporations Act 1994 in respect of Municipal Corporations and vide Section 8 and 24 of the AP Municipalities Act, 1965 in respect of Municipalities and Nagar Panchayats.

iv. To authorize the MA&UD Department to issue consequential orders and take all further action required for implementation of the decision of the Council of Ministers.”

38. Learned Senior Counsel, Mr. Devadatt Kamat, has laid much stress on the plea that judgment of Hon’ble the Supreme Court in the case of **Dr. K. Krishnamurthy** (supra) has been considerably diluted by subsequent judgment of Hon’ble the Supreme Court in the case of **Janhit Abhiyan** (supra) to the effect that the bar of 50% aggregate reservation is not inviolable. In this regard, it is to be noted Hon’ble the Supreme Court in the case of **Janhit Abhiyan** (supra), after referring to its earlier judgment in **Dr. K. Krishnamurthy** (supra) and **Jaishri Laxmanrao Patil Vs. State of Maharashtra**¹¹, held as under:

“171. Thus, having examined the permissible limits of affirmative action in light of the possible harm of preferential treatment qua other innocent class of competitors, i.e., general merit candidates, this Court has expressed the desirability of fifty per cent. as the ceiling limit for reservation in education and public employment but, as observed hereinbefore, all such observations are required to be read essentially in the context of the reservation obtaining under Articles 15(4), 15(5) and 16(4) or other areas of affirmative action like that in relation to local self-government [the case of K. Krishna Murthy (supra)] and cannot be overstretched to the reservation provided for entirely different class, consisting of the economically weaker sections.

¹¹ (2021) 8 SCC 1

172. Moreover, as noticed, this ceiling limit, though held attached to the constitutional requirements, has not been held to be inflexible and inviolable for all times to come. Reasons for this are not far to seek. As mentioned hereinbefore, reservation by affirmative action is not having trappings of any such essential feature of the Constitution, collectively enumerated by Kesavananda and successive decisions, that its modulation with reference to any particular compelling reason or requirement could damage the basic structure of the Constitution.”

39. Hon’ble the Supreme Court in the case of **Janhit Abhiyan** (supra) was seized of the issue of reservation for Economically Weaker Sections of citizens up to 10% in addition to existing reservation. It was held that such reservation was not in violation of any essential feature of Constitution of India and does not damage any basic structure of Constitution of India on account of breach of ceiling limit of 50% because that ceiling limit itself is not inflexible and, in any case, applies only to reservations envisaged under Articles 15(4), 15(5) and 16(4) of Constitution of India.

40. It is to be noted that in the case of **Dr. K. Krishnamurthy** (supra) itself, Hon’ble the Supreme Court had held that nature and purpose of reservations in the context of local self-government is different from that in higher education and public employment. It was held that:

*“30. In this respect, we endorse the proposition that Article 243D and 243T form a distinct and independent constitutional basis for reservations in local self-government institutions, the nature and purpose of which is different from the reservation policies designed to improve access to higher education and public employment, as contemplated under Articles 15(4) and 16(4) respectively. Specifically with regard to the unviability of the analogy between Article 16(4) and Article 243D, we are in agreement with a decision of the Bombay High Court, reported as **Vinayakrao Gangaramji***

Deshmukh v. P.C. Agrawal & Ors, AIR 1999 Bom 142. That case involved a fact-situation where the chairperson position in a Panchayat was reserved in favour of a Scheduled Caste Woman. In the course of upholding this reservation, it was held as follows:

"... Now, after the seventy-third and seventy-fourth Constitutional amendments, the constitution of local bodies has been granted a constitutional protection and Article 243D mandates that a seat be reserved for the Scheduled Caste and Scheduled Tribe in every Panchayat and Sub-article (4) of the said Article 243D also directs that the offices of the Chairpersons in the panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide. Therefore, the reservation in the local bodies like the Village Panchayat is not governed by Article 16(4), which speaks about the reservation in the public employment, but a separate constitutional power which directs the reservation in such local bodies. ..."

We are of course aware of the fact that some decisions in the past have examined the validity of reservations in local self-government by applying the principles evolved in relation to education and employment."

41. It was held that there is an inherent difference in respect to reservations in higher education and public employment; participation in local self-government is intended as a more immediate measure of empowerment for community that the elected representative belongs to. Therefore, reservations in local self-governments are intended to directly benefit the community as a whole, rather than just the elected representative.

42. Thereafter, Hon'ble the Supreme Court in the case of ***Vikas Kishanrao Gawali*** (supra) held that certain pre-conditions for reserving seats

for Backward Classes should be fulfilled; State Government was obligated to set up a dedicated commission to conduct contemporaneous rigorous empirical inquiry into the nature and implications of backwardness; State is required to specify necessary proportion of reservation local-body wise, in the light of recommendation and that such reservation should not exceed aggregate of 50% of total seats reserved in favour of SCs, STs and BCs taken together.

43. Doubtlessly Hon'ble the Supreme Court in the case of ***Janhit Abhiyan*** (supra) has held that ceiling limit of 50%, though held attached to constitutional requirements, is not inflexible and inviolable for all times to come and that reservation by affirmative action is not having trappings of any such essential feature of Constitution collectively enumerated in the case of ***Keshavananda Bharathi*** and successive decisions, but it is to be noticed that any breach of ceiling has to be based on substantial facts and figures which would justify such a breach. In the present case, State has admittedly relied upon empirical data collected in the process of a Unified Family Survey and placed before Dedicated Commission.

44. It was projected before the Court that this was the data which has been relied upon by Independent Dedicated Commission constituted on 19.02.2026 for the purpose of conducting a contemporaneous and rigorous empirical inquiry into the nature, extent and implications of backwardness qua Local Bodies within State of Andhra Pradesh. Therefore, the data which has been relied upon by said commission has been utilized. It is to be noted that,

though not pleaded, learned counsel for petitioner in W.P.(PIL) No.210 of 2025 had argued that the commission appointed vide G.O.Ms.No.2, dated 30.01.2023, as well as Independent Dedicated Commission appointed vide G.O.Ms.No.3, dated 19.02.2026, are not in compliance with the Andhra Pradesh Commission for Backward Classes Act, 1993. Therefore, any report of such commissions cannot form the basis of determining percentage of reservation.

45. Dehors the issue of validity of said commissions, which in any case is not being considered in these matters, in the absence of any challenge thereto, it is to be noted that report stated to have been submitted by One Man Commission has not been accepted by the Government. Same is stated to be pending consideration.

46. Reliance is being placed by State on the empirical data collected by Unified Family Survey, which, in our considered opinion, cannot form the basis of declaration for reservation for Backward Classes. Keeping in view the factual matrix, there is no empirical data as envisaged and required for reservation to Backward Classes beyond 50%, in view of various categorical pronouncements of Hon'ble the Supreme Court, including decision in the case of **Vikas Kishanrao Gawali** (supra); and **Janhit Abhiyan** (supra).

47. In the given facts and circumstances, G.O.Ms.No.105 dated 20.08.2026 and G.O.Rt.No.1065 dated 19.08.2026 are not sustainable to the

extent of vertical reservation to SCs, STs and BCs collectively or in aggregate exceeding 50% and are hence set aside.

48. It is open for the State to revisit the issue and determine the percentage of reservation for Backward Classes beyond 50%, in view of judgment of Hon'ble the Supreme Court in the case of **Janhit Abhiyan** (supra), after completing the exercise of collection of data in compliance with judgment of Hon'ble the Supreme Court in the case of **Vikas Kishanrao Gawali** (supra).

49. W.P.(PIL) Nos.194 & 201 of 2026 are accordingly disposed of.

50. We take note of the fact that prayer in W.P.(PIL) No.210 of 2025 is for declaring inaction on the part of respondent State in conducting population survey of Backward Classes in State of Andhra Pradesh and categorizing said Backward Classes into various categories for purpose of conducting elections to Local Bodies and taking steps for conducting elections without undertaking this exercise and a consequential direction to State to undertake population survey for Backward Class communities in State for this purpose.

51. Learned Senior Counsel for petitioner in this matter, at the time of hearing, had confined his arguments to invalidity and illegality of appointment of Dedicated Commission vide G.O.Ms.No.2, dated 30.01.2023 and later Independent Dedicated Commission constituted vide G.O.Ms.No.3 dated 19.02.2026. Learned Advocate General had specifically objected thereto while

submitting that State had issued G.O.Ms.No.105, dated 20.08.2026 and G.O.Rt.No.1065, dated 19.08.2026, on the basis of data collected under Unified Family Survey, which are subject matter of challenge in W.P.(PIL) Nos.194 & 201 of 2026.

52. Perusal of writ petition reveals that there is no challenge to appointment of commission vide G.O.Ms.No.2, dated 30.01.2023, which was obviously in place at the time of filing of writ petition. There has been no subsequent amendment in writ petition for challenging said Government Order or even constitution of Independent Dedicated Commission so constituted by State vide G.O.Ms.No.3 dated 19.02.2026.

53. In the given facts and circumstances, we are not inclined to consider and adjudicate upon validity of constitution of said commissions as urged by learned counsel for petitioners, in the absence of specific pleadings in writ petition, thereby denying the opportunity of replying thereto by the State.

54. Prayer in W.P.(PIL) No.126 of 2026 is for a direction to the State to take a decision in regard to the question of sub-classification of Backward Classes. Sub-classification in respect to SCs, STs and BCs was considered by Hon'ble the Supreme Court in a detailed judgment titled '**State of Punjab and others Vs. Davinder Singh and others**'. It was held that, after considering various judgments including judgments in the case of **E.V.**

Chinnaiah Vs. State of Andhra Pradesh¹², Indra Sawhney Vs. Union of India¹³, and various other judgments, that sub-classification or categorization within a class is not impermissible, however, to carry out the same, it has first to be determined if the class is 'homogeneous' or 'similarly situated'; if the answer is in affirmative, there can be no sub-classification; and if the answer is in negative, sub-classification can be imaged on the basis of yardsticks having rational nexus with purpose sought to be achieved. State has to prove the group/caste carved out from larger group of Scheduled Castes/ Backward Classes is more disadvantageously placed than the rest in same group. These are issues to be considered by the State and there can be no Mandamus directing the State to carryout sub-classification as has been prayed for.

55. To recapitulate for the sake of convenience, we hold that G.O.Ms.No.105, dated 20.08.2026 and G.O.Rt.No.1065 dated 19.08.2026 are not sustainable to the extent of vertical reservation to SCs, STs and BCs collectively or in aggregate exceeding 50% and are hence set aside. It is open for the State to revisit the issue and determine the percentage of reservation for Backward Classes beyond 50%, in view of judgment of Hon'ble the Supreme Court in the case of **Janhit Abhiyan** (supra), after completing the exercise of collection of data in compliance with judgment of Hon'ble the Supreme Court in the case of **Vikas Kishanrao Gawali** (supra).

56. W.P.(PIL) Nos.194 & 201 of 2026 are accordingly disposed of.

¹² (2005) 1 SCC 394

¹³ 1992 (3) SCC(SUPP) 217

57. No adjudication is called for in the factual matrix, upon the validity of constitution of Dedication Commissions vide G.O.Ms.Nos.2 & 3, dated 30.01.2023 and 19.02.2026 respectively as argued by learned Senior Counsel for petitioner, in the absence of any pleadings in this respect in the writ petition. W.P.(PIL) No.210 of 2025 is thus dismissed.

58. No ground for issuance of a writ of Mandamus directing the State to carryout sub-classification of Backward Classes is made out. W.P.(PIL) No.126 of 2026 is accordingly dismissed. No costs.

Consequently, connected miscellaneous applications, if any, including I.A.No.3 of 2026 in W.P.(PIL) No.194 of 2026 and I.A.No.2 of 2026 in W.P.(PIL) No.210 of 2025 stand closed.

Photocopy of this order be placed on files of connected cases.

LISA GILL, CJ

Date: October 1st, 2026.

CHALLA GUNARANJAN, J

kbs

Uploaded on : 01.10.2026

Whether the order is Speaking/Reasoned : Yes

Whether the order is Reportable : Yes

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**HON'BLE MRS. JUSTICE LISA GILL, CHIEF JUSTICE
&
HON'BLE MR. JUSTICE CHALLA GUNARANJAN**

**W.P.(PIL) Nos.194 & 201 of 2026;
W.P.(PIL) Nos.210 of 2025; & 126 of 2026**

Dt: 01.10.2026

kbs