

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3082 OF 2018

Rupali Rajkiran Chinde	... Petitioner
Versus	
Union of India and others	... Respondents

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Ms. Meenal Kakalia a/w M/s Kranti L.C. for Petitioner.
Mr. D.A. Dubey and Pramil Sonawane for Respondent No.1.
Mr. C.P. Yadav AGP for Respondent No.2.

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**CORAM : SHANTANU S. KEMKAR AND
M. S. KARNIK, JJ.**

DATE : 19th MARCH, 2018

P. C.:

. The Petitioner Rupali Rajkiran Chinde has approached this Court by filing the present writ petition under Article 226 of the Constitution of India, seeking directions to the first respondent to produce report of the medical board/committee as may be constituted by this Court for her medical examination and for submitting its medical report as to whether the petitioner can be allowed to get the pregnancy terminated. The petitioner claims that the pregnancy has gone 25 weeks which is beyond the ceiling of 20 weeks.

2. On 9th March, 2018, we had issued notice to the respondents and directed the State to constitute a Committee/Medical Board of B.J. Government Medical College/Hospital (Sassoon Hospital), Pune. The Committee as constituted was consisting of Head of the Department (Gynaecology), Head of the Department (Nurology), Professor and Head of Department of Paediatric Cardiac Surgeon, Professor and Head of Department of Radiology and Psychology. We had also directed that any other expert may also be included in the said committee.

3. In pursuance of the said directions, the committee has carried out the medical examination of the Petitioner and has submitted its report. We have gone through the said report of various experts of the field. The committee report is placed before us, which reads thus.

“Report of the committee-

The committee examined the woman [Mrs Rupali Chinde] on 13/03/18 and necessary investigations were done.

Ultrasonography and fetal MRI were suggestive of Chiari type II Malformation with colpocephaly [corpus callosum agenesis].

The pregnancy is 24 weeks as on today. The committee after discussion and studying similar case reports thinks that the baby will have severe morbidities and may not survive. In this condition it may be advised to terminate the pregnancy with kind permission of Hon High Court.

The risks of termination of pregnancy including the need for caesarean section if induction fails have been explained to the couple.”

4. Having gone through the individual reports of the doctors as also the conclusion of the committee, we find that the committee has said that in case the baby is born alive, the baby will have serious life threatening morbidities with increased mortality and may not survive. In the circumstances the committee has advised the termination of pregnancy. The committee has also explained to the couple the risks of termination of pregnancy including the need for caesarean section if induction fails.

5. Having regard to the aforesaid, we permit and direct the termination of the pregnancy. The same will be supervised by the Committee/Medical Board constituted by this court which shall maintain the complete report of the procedure which would be

performed on the petitioner at the time of termination of the pregnancy.

6. We also make it clear that in the event of any problem in connection with the medical termination of the pregnancy, the doctors of the Medical Board shall have immunity in law.

7. We further direct that the termination of the pregnancy to be made forthwith in the Sassoon Hospital, Pune within three days from today by the expert doctors of the said hospital from where she has submitted the report. We expect that the said hospital shall perform the termination of pregnancy with due care and precaution and with utmost urgency. It is also expected that they shall take appropriate care of the Petitioner.

8. Petitioner shall bear the cost of the operation and other expenses as may be payable.

9. With the aforesaid directions, petition is disposed of.

10. Parties to act on authenticated copy of this order.

(M. S. KARNIK, J.)

(SHANTANU S. KEMKAR, J.)