

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.10155 of 2018

Child Welfare Committee,
represented by its
Chairperson and Members
Govt.Children Home for Boys,
GST Road,
Chengalpattu - 603 002.
Kancheepuram District.

... Petitioner

-VS-

1.The Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009.

2.The District Collector,
Collectorate Campus,
Kancheepuram,
Kancheepuram District.

3.The Dean
Chengalpet Medical College Hosptial,
Chengalpet,
Kancheepuram District.

4.The HOD
Department of Obstetrics and Gynecology,
Chengalpattu Medical College and Hospital,
Chengalpattu.

5.The Inspector of Police,
Uthiramerur Police Station,
Uthiramerur,
Kancheepuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus, directing respondents 1 to 4 to medically terminate the pregnancy of the minor girl child, namely, Lakshmi aged about 14 years at the earliest.

For Petitioner : Mr.T.Mohan
for M/s.Shaikh Mehrunisa

For Respondents : Mrs.P.Rajalakshmi,
Additional Government Pleader

ORDER

Petitioner/Child Welfare Committee, represented by its Chairperson and Members, Government Children Home for Boys, GST Road, Chengalpattu, Kancheepuram District, has brought this writ petition seeking a mandamus directing respondents 1 to 4 to medically terminate the pregnancy of a minor girl, aged about 14 years, at the earliest point of time.

2. Learned counsel for the petitioner submitted that the minor girl, daughter of Rajendran and Gowri, aged about 14 years was produced before the petitioner by the District Collector, Kancheepuram, on 04.04.2018. On production of the said minor girl, the petitioner admitted her in the Christ

Faith Home for children at Mettu Colony, Manapakkam, Chennai. At the time of production, a report of the Doctor informing that the said minor girl was raped by a known person five months ago has been submitted. Immediately thereafter, the minor girl was taken to Chengalpattu Medical College Hospital on 23.03.2018, a teenage pregnancy by VHN AR entry was made and AR No.5760189 was also given. A case was registered in Crime No.109 of 2018 on 04.04.2018. Again, the petitioner sent a letter No.223 of 2018 on 12.04.2018 to the HOD Department of Obstetrics and Gynecology, Chengalpattu Medical College and Hospital, Chengalpattu, seeking medical advise regarding continuation of pregnancy of the minor girl. After examination of the minor girl, it was found that the minor girl was pregnant with single intra uterine pregnancy of around 18 weeks gestational age. Adolescent pregnancy are prone for higher risk of complications like pregnancy induced hypertension, anemia, CPD, preterm birth, PROM, IUGR, increased infections, etc. The child and her mother have been given counseling to give consent for termination of pregnancy. Moreover, the petitioner also suggested for termination of pregnancy for securing the minor girl's health and life. As action needs to be done immediately, petitioner has approached this Court.

3. This Court has entertained the writ petition on 25.04.2018 and directed the learned Additional Government Pleader to take instructions from

the Head of the Department of Obstetrics and Gynecology, Chengalpattu Medical College and Hospital, Chengalpattu.

4. Today, Dr.V.Vanitha, Head of the Department of Obstetrics and Gynecology, Chengalpattu Medical College and Hospital, Chengalpattu, is present and suggested that the minor girl is having single intra uterine pregnancy of about 18 weeks gestational age and it is advisable to get the pregnancy terminated at the earliest point of time. Today, the minor girl and her mother are present before this Court. When this Court has informed them about the Doctor's suggestion, they have also agreed for termination of pregnancy.

5. Learned counsel for the petitioner submitted that while subjecting the minor girl for termination of 18 weeks gestational age single intra uterine pregnancy, the fetus shall be preserved for the purpose of taking DNA and other tests. Dr.V.Vanitha, Head of the Department of Obstetrics and Gynecology, Chengalpattu Medical College and Hospital, Chengalpattu, agreed to the same and submitted that the fetus to be taken from the womb of the minor girl will be sent for analysis and thereafter, it will be preserved.

6. In view of the above, this Court directs the Dean, Chengalpet Medical College Hospital, Chengalpet, Kancheepuram District/third respondent to do the needful by terminating the single intra uterine pregnancy of about 18 weeks gestational age.

7. Learned counsel for the petitioner requests this Court not to print the name of minor girl in the order. This has been objected by Dr.V.Vanitha, Head of the Department of Obstetrics and Gynecology, Chengalpattu Medical College and Hospital, Chengalpattu, by stating that without the name of the minor girl, the hospital will not be able to proceed with further examination.

In that view of the matter, the Writ Petition stands allowed as prayed for. No costs.

28.04.2018

Note to office: Issue today

Index:yes/no

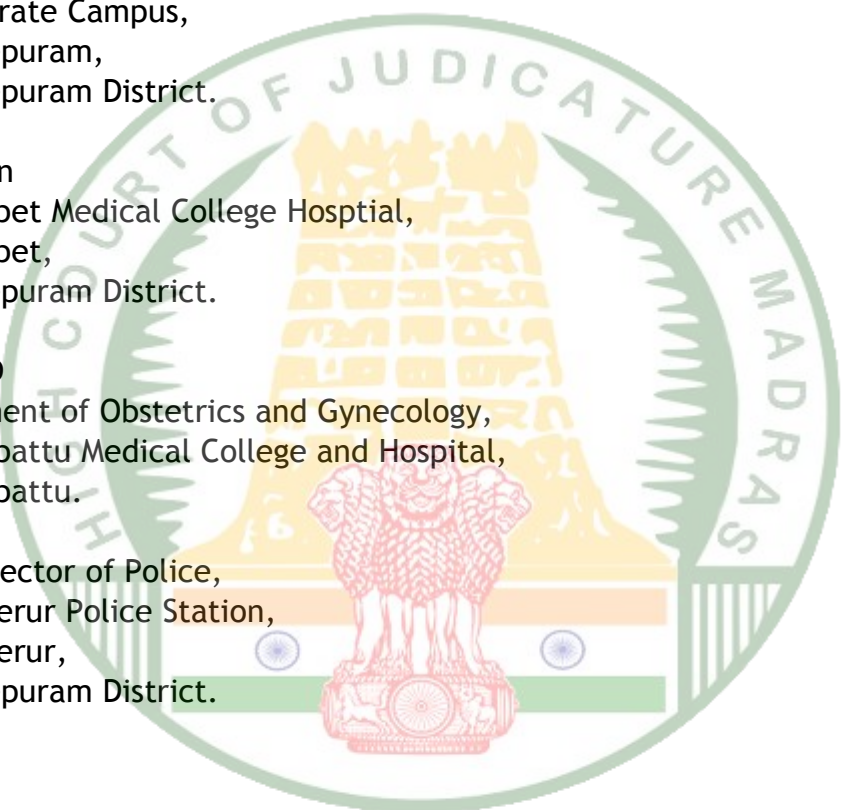
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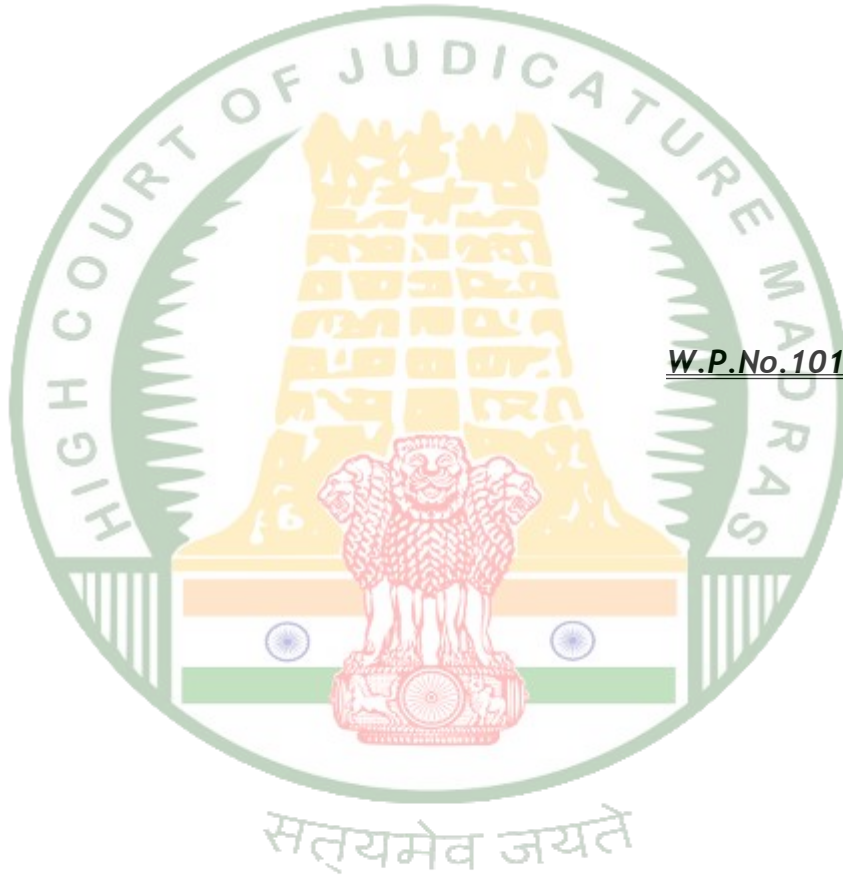
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The seal of the High Court of Judicature Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital of Ashoka in front of it. The gopuram is set against a background of a green and white striped field. The words "HIGH COURT OF JUDICATURE MADRAS" are inscribed in a green circle around the central image. Below the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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