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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3478 OF 2019

Jayshree w/o Parmeshwar Toge,
Age 20 years, Occ. Household
R/o Bordevi, Post. Parbhani (Kesapuri)
Tq. & Dist. Beed

..PETITIONER

VERSUS

1. The State of Maharashtra
Through its Secretary
Medical and Drugs Department
Mantralaya, Mumbai - 32

2. The Medical Officer,
Civil Hospital, Beed

..RESPONDENTS

Mr N. R. Thorat, Advocate for petitioner;
Mrs A. V. Gondhalekar, AGP for respondents

**CORAM : PRASANNA B. VARALE
AND
NITIN W. SAMBRE, JJ.**

DATE : 12th March, 2019

ORAL ORDER:

Heard the learned Counsel for the petitioner.

2. The petitioner - mother is before this Court with principal prayer seeking permission to undergo exercise of termination of pregnancy. It is also claimed in the prayer that the petitioner is ready to give an undertaking or consent as per the provisions of law.

(2)

3. Certain reports of medical examinations issued through private medical experts are placed on record. Perusal of the said reports shows that the fetus is more than 22 + weeks.

4. On the preliminary submissions, notice was issued by us on 11th March, 2019. We permitted the petitioner to appear before the competent medical board attached to the Government Medical College and Hospital, Aurangabad on 12th March, 2019 and the learned A.G.P. was directed to place the report before this Court today, i.e. 12th March, 2019 at 2.30 p.m..

5. An officer deputed through the Dean, Government Medical College and Hospital submitted a report to the learned A.G.P. and in turn the A.G.P. made the report available for our perusal. Perusal of the said report shows that the committee consisting of eight members undertook the exercise of medical examination of the petitioner. The petitioner was subjected to obstetric sonography and the findings recorded by the expert committee are as follows:

1. Length of Pregnancy has average gestational age of 23 Weeks 2 days.

(3)

2. On obstetric ultrasonography dated 12/03/19 done at GMC, Aurangabad. Following findings are noted- Talipes deformity in right foot of foetus.

Taking into consideration the above findings there is no evidence of substantial risk to the fetus if born. Termination of pregnancy is not advisable for the above defect.

6. Though it was the submission of the learned Counsel for the petitioner that the reports and the certificates issued by the private medical practitioners show the impression as :

"Single gestation corresponding to a gestational age of 22 weeks 6 days

Gestational age assigned as per LMP

Femur length falls at the 14th centile.

Echogenic Intracardiac focus (EICF)

Unilateral (right) Talipes Deformity

no other obvious ultrasonographically detectable structural anomalies seen at this stage"

"Single live intrauterine pregnancy of 21 WKS 3D, adequate fluid, OS closed.

Right CTEV "

7. There is also a report issued by a private Consultant / Radiologist and on examination of the patient as the average age of the fetus was of 21 weeks 3 days, it is opined as follows:

"Fetal Anatomical Survey:

Fetal heart: Appeared 4 chambered

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Viscero-atrial situs solitus noted. RVOT, LVOT appeared normal.

Five chambered view and three vessel view appeared normal.

IVS is intact. Foraminal flap showed normal movements.

All 4 chambers are of normal size. No **gross** anomaly detected.

Lungs appeared grossly normal."

8. Perusal of the report dated 12th March, 2019 shows that the expert committee is of the clear opinion that there is no evidence of substantial risk to the foetus if born and further, in an unambiguous terms the committee states that termination of pregnancy is not advisable for the above defect. In view of the report of the expert committee which is duly constituted, having sufficient expertise in the field, we see no reason to take a divergent view or permit ourselves to deviate from this report and to thrust some other opinion only because the Counsel for the petitioner is relying on a certificate issued by a private medical practitioner.

In the light of what has been stated above, we are not inclined to entertain the petition. Consequently, the petition is dismissed.

(NITIN W. SAMBRE, J.)

(PRASANNA B. VARALE, J.)

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