

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 5050 OF 2019

Santosh s/o Narayan Marathe
& another

Petitioners

Versus

The State of Maharashtra
& others

Respondents

Mr. U.S. Patil, advocate for petitioners.
Mrs. V.N. Patil Jadhav, AGP for all respondents.

**CORAM : PRASANNA B. VARALE AND
NITIN W. SAMBRE, JJ.
DATE : 29th April, 2019.**

P.C. :

Heard learned counsel for petitioners.

2. By order dated 25.04.2019, this Court permitted petitioner no. 2 to appear before the Medical Board constituted by respondent no. 3 for medical examination on 26.04.2019 and the learned AGP was directed to submit report of medical examination of petitioner no. 2 to this Court on 29.04.2019 i.e. today.

3. Learned AGP has submitted the report duly signed by the Expert Committee constituting as many as eight members including the Chairman, Medical Superintendent, Government Medical College and Hospital, Aurangabad and the other members who are experts in various departments.

4. By a detailed report dated 26.04.2019, the Expert Committee

is of the opinion that it is not advisable to terminate the pregnancy. Reasons are also assigned and there are as many as five reasons referred to in the report, on the basis of which, the Expert Committee has arrived at an conclusion.

5. In view of the opinion of the Committee of experts in the field, petition wherein directions are sought for permitting the petitioners to terminate pregnancy, cannot be allowed. Needless to state that this Court cannot sit as an appeallate forum over the duly constituted Expert Committee so as to thrust opinion of this Court on the experts' opinion. As such, the only conclusion which can be drawn is to dismiss the petition. Accordingly, the petition is dismissed.

6. Learned counsel for petitioners prays for copy of medical report so that the petitioners can take further steps in case, they are so advised. Learned AGP to provide copy of the report to the learned counsel for petitioners during the course of the day.

NITIN W. SAMBRE
JUDGE

PRASANNA B. VARALE
JUDGE

dyb