

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-30815-2019

Date of decision: 4.11.2019

Navdeep Singh

.....Petitioner.

vs.

**Post Graduate Institute of Medical
Education and Research and another**

.....Respondents.

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Petitioner in person.

Mr. Ajay Kumar Kayat, Junior Admin Assistant,
Legal Cell, PGI.

.....

Sanjay Kumar, J. (ORAL)

This writ petition was filed seeking a direction to the Post Graduate Institute of Medical Education and Research, Chandigarh, the first respondent, to constitute a Committee for the purpose of terminating the pregnancy of the petitioner's wife on medical grounds.

By order dated 23.10.2019, this Court directed the first respondent to subject the petitioner's wife to medical examination for the purpose of ascertaining as to whether it would be advisable and safe to terminate her pregnancy. Pursuant thereto, the Permanent Board of Doctors of the first respondent examined the petitioner's wife and submitted report dated 24.10.2019 stating that there was a severe congenital anomaly with the fetus, entailing poor prognosis not compatible with life. However, the Board opined that medical termination of the pregnancy if undertaken at this stage, when the period of gestation was over 22 weeks, would entail a higher

chance of the medical abortion not being successful with a concomitant risk of permanent loss of fertility. The Board concluded by stating that if the present pregnancy is continued, it may either result in intrauterine fetal demise or neonatal death and there would be a possibility of undertaking genetic counseling for determining the cause for the recurrent fetal congenital malformations.

This Court interacted with the petitioner and his wife in chambers on 31.10.2019 and advised them to undergo further counseling from the competent Doctors/Permanent Board of Doctors of the first respondent so that they could understand the issues involved in the proper perspective and decide upon the best course of action. It appears that the Professor and Head of the Department of Obstetrics and Gynaecology of the first respondent counselled the couple and having examined the medical records apart from the earlier decision of the Board, she opined that the petitioner's wife should again be examined by the Medical Board of Doctors. The Board thereupon examined the petitioner's wife and submitted Report dated 1.11.2019, wherein it opined that in the event conditional termination of pregnancy is carried out in terms of the observations made in the previous report, it should be undertaken in a Tertiary Care Hospital setting. The Board also recorded that the couple had been explained the higher risk associated with the procedure. Having taken the aforesaid documents on record, this Court adjourned the matter to 4.11.2019 as the petitioner and his wife were not present on 2.11.2019.

Today, the petitioner and his wife are present in person and stated that they are now willing to continue with the pregnancy so as to

undertake genetic counseling to prevent any such mishap in future, if possible.

The petitioner and his wife stated that they would avail the facilities of the first respondent not only for the purpose of the delivery but also for the genetic counseling advised by the Board.

The said statement is recorded. The first respondent is directed to provide all necessary facilities to the petitioner and his wife so as to protect their best interests.

Disposed of with the aforesaid direction.

(SANJAY KUMAR)
JUDGE

4.11.2019

preeti

whether speaking/non speaking

yes/no

whether reportable/non reportable

yes/no