

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

WRIT PETITION (ST.) NO.10603 OF 2020

Ashwini w/o Ashok Take,
Age: 19 years, Occ: Housewife,
R/o. Village Manewadi,
Tq.& Dist. Beed

PETITIONER

VERSUS

- 1) The State of Maharashtra
Through its Deputy Director,
Health Services, Aurangabad Circle,
Mahaveer Chowk, Opposite Baba
Petrol Pump, Aurangabad
- 2) Government Medical College and
Hospital, Near Panchakki Road,
Jubilee Park, Aurangabad 431 001
- 3) District and Civil Hospital,
Barshi Road, Beed,
Dist. Beed 431 122
- 4) Superintendent of Police,
Office of the Superintendent of
Police, Beed
- 5) Commissioner of Police,
Office of the Commissioner of
Police, Aurangabad

RESPONDENTS

Mr Muhammad Aseem, Advocate for the petitioner;
Mr Y.G. Gujrathi, A.G.P. for respondent/State;

**CORAM : PRASANNA B. VARALE &
SHRIKANT D. KULKARNI, JJ.**

DATED : 22nd MAY, 2020

ORAL ORDER:

Heard learned Counsel appearing for the petitioner.

2. By order dated 19th May, 2020, this Court (Coram: V.L. Achliya, J.) considering the grounds raised in the petition and prayer sought for seeking medical termination of the pregnancy, permitted the petitioner to appear before the Medical Board/Expert Committee of Swami Ramanand Teerth Rural Medical College and Hospital, Ambajogai, District Beed to assess the fitness of the petitioner. The Medical Board then in turn, was directed to submit its report referring the following issues:

(a) Whether the fetus is suffering from congenital anomalies such as 'cleft palate', 'cleft lip' and 'hydrocephaly'?

(b) Whether the child born with such abnormality would be able to lead healthy life even with medical intervention and assistance?

(c) Whether such child if born with such abnormality would suffer from such physical or mental abnormalities to make it seriously handicapped?

(d) Whether in the opinion of the Medical Board, the termination of pregnancy of the petitioner would be inevitable and necessary?

(e) Whether the life of the petitioner would be subjected to risk if such termination of pregnancy is permitted?

3. This Court further directed the Medical Board to submit report through the office of Government Pleader, High Court of Bombay, Bench at Aurangabad on 20th May, 2020 before 5.00 p.m.

4. Accordingly, Mr. Gujrathi, learned A.G.P. made

available the report of the Expert Committee/Board. The opinion of the Expert Committee reads thus :

Key recommendations of the panel if any with justification :

As there is minor and correctable fetal congenital anomaly and said anomaly is compatible with life hence, this committee does not recommends termination of pregnancy.

5. It may not be out of place to state at this stage that though this Court directed the Medical Board/Expert Committee to submit report by framing certain issues. It seems that the Expert Committee submitted its opinion collectively on the backdrop of the issues framed by this Court. The opinion of the Expert Committee is not in favour of termination of the pregnancy and at the cost of repetition, we may state that the Committee opines that there is minor and correctable fetal congenital anomaly and said anomaly is compatible with life.

6. Considering the aforesaid observations of the Medical Board/Expert Committee, we are of the clear opinion that the principal prayer sought for in the petition cannot be allowed. The petition, as such, fails and resultantlhy, is dismissed.

Authenticated copy of this order be given to the parties.

[SHRIKANT D. KULKARNI J.]

[PRASANNA B. VARALE,J.]