

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

WRIT PETITION (ST.)NO.10604 OF 2020

Amruta w/o Prashant Chavan,
Age: 26 years, Occ: Household,
R/o. Rampuri (Khurd), Tq. Pathri,
District Parbhani

PETITIONER

VERSUS

1. State of Maharashtra
Through its Principal Secretary,
Public Health Department, Mantralaya,
Mumbai
2. The Dean,
Swami Ramanand Teerth Rural
Government Medical College and
Hospital, Ambajogai,
Tq. Ambajogai, Dist. Beed

RESPONDENTS

Mr Mahesh P. Kale, Advocate for petitioner;
Mr D.R. Kale, Government Pleader for respondents/State

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

DATED : 22nd MAY, 2020

ORAL ORDER:

By an order dated 19th May, 2020, this Court
(Coram : V.L. Achliya, J.) was pleased to call for an

opinion of the Medical Board on the issues framed in paragraph-7 of the order. The observations of this Court were on the backdrop of material placed on record as well as the amended provisions of the Medical Termination of Pregnancy Act, 1971. By order dated 19th May, 2020, the Medical Board was requested to submit a report to this Court on 20th May, 2020 before 5.00 p.m. and this matter was adjourned to 22nd May, 2020.

2. Today, Mr. Kale, learned Government Pleader submitted a report of the Medical Board for perusal of this Court. The Expert Committee, on examination of the petitioner and on the basis of her obstetric ultrasonography report dated 20th May, 2020, recorded findings in accordance with the issues referred to by this Court in the order dated 19th May, 2020. The findings are as follows :

(1) Obstetrics USG report 26 weeks, single live intrauterine pregnancy with multiple cranil anomaly. Agnesis of

corpus callosum with hydrocephalous with cystic hygroma with abnormal cerebellum. Fetal weight 826 gms.

Key recommendations of the panel if any with justification are as follows :

1. Continuation of pregnancy may affect mental and physical health of woman.

2. There is substantial risk of grave physical and mental handicap to child born.

3. She may have risk of various complications if she undergo termination of pregnancy like

a) Haemorrhage

b) Failure of Abortion

c) Need of surgical method (Hysterotomy)

- d) Incomplete abortion
- e) Sepsis (Infection)
- f) Maternal death
- g) Need of blood transfusion

4. Committee has explained the risk involved in said procedure to the patient and her relatives.

5. Affidavit of said risk to be submitted before the honourable high court.

6. As there is major and non correctable fetal congenital anomaly hence, this committee recommends termination of pregnancy at any government recognized MTP center of choice of patient with due risk.

2. The findings, as such, recorded by the Expert Committee lead to conclusion that in the

present matter, the termination of the pregnancy is must and necessary and as such, same is recommended. The report also states that the risk involved in the termination of pregnancy is explained to the petitioner and her relatives.

3. Learned Counsel appearing for the petitioner submits before this Court that the petitioner is informed by the Medical Board about the risk involved in the termination of the pregnancy and the petitioner is ready and willing to undertake the risk involved in the exercise of termination of the pregnancy.

4. In view of above referred facts, the petitioner is permitted to terminate the pregnancy at Swami Ramanand Teerth Rural Government Medical College and Hospital, Ambajogai, District Beed.

5. The petition is allowed in terms of prayer clause (B) and is disposed of accordingly.

Authenticated copy of this order be given to the parties.

[SHRIKANT D. KULKARNI, J.] [PRASANNA B. VARALE, J.]

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