

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

WRIT PETITION ST NO. 10884 OF 2020

Nasrin Halimkha Pathan

.... Petitioner

Versus

The State of Maharashtra & Ors.

....Respondents

...
Shri. D. B. Pokale, Advocate for the petitioner

Shri. S. N. Kendre, AGP for respondent/State
...

**CORAM : SUNIL P. DESHMUKH
AND
B. U. DEBADWAR, JJ.**

DATE : 3RD JULY, 2020

ORAL ORDER [Per B. U. Debadwar, J.] :

1. Petitioner, a married woman, seeks permission to terminate the pregnancy.

2. After having considered the contentions raised in the petition about the abnormalities of the foetus in the womb, by order dated 26.06.2020, the petitioner was referred to the Expert Committee at Swami Ramanand Tirth Rural Government Medical College and Hospital, Ambajogai, for her examination and submission of report clarifying as to whether the continuance of pregnancy would involve a risk to the life of

petitioner or of grave injury to her physical or mental health or there is a substantial risk that if the child were born, it would suffer from such physical or mental abnormalities as to be seriously handicapped.

3. In pursuance of the aforesaid direction, the Expert Committee at Swami Ramanand Tirth Rural Government Medical College and Hospital, Ambajogai, examined the petitioner on 29.06.2020 and submitted its report. The report submitted by the said committee, more particularly key recommendations thereunder, reads as under:

"As there is minor fetal congenital anomaly and said anomaly is compatible with life. All abnormalities are soft tissue markers of aneuploidy indicates chances of abnormal outcome but may disappears as pregnancy advances hence, it requires further investigations like amniocentesis for confirmation of abnormality hence committee does not recommend termination of pregnancy at present."

4. By the aforesaid report, the Expert Committee at Swami Ramanand Tirth Rural Government Medical College and Hospital, Ambajogai, opined that, there is minor fetal congenital anomaly and said anomaly is compatible with life. All abnormalities may disappear as pregnancy advances, however, it requires further investigation like amniocentesis for confirmation

of abnormality. Accordingly, not recommended termination of pregnancy at present.

5. In view of the report of Expert Committee at Swami Ramanand Tirth Rural Government Medical College and Hospital, Ambajogai, discussed above, it is difficult to grant permission as sought by the petitioner to terminate the pregnancy at this stage. It is open for the petitioner to approach this court, after undergoing test for amniocentesis at Government Medical College and Hospital (GHATI) at Aurangabad, if required.

6. Writ Petition stands disposed of accordingly.

[B.U. DEBADWAR]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE