

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

WRIT PETITION NO.5794 OF 2020

MAYA VISHNU RATHOD AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioners : Shri Jadhav Kailas B.
AGP for the Respondents/ State : Shri S.N.Kendre

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**CORAM : RAVINDRA V. GHUGE
&
SHRIKANT D. KULKARNI, JJ.**

DATE :- 27th August, 2020

Per Court :-

1 This matter is taken up through Video Conferencing during the COVID-19 pandemic.

2 By order dated 20.08.2020, this Court (Coram : Sunil P. Deshmukh and M.G.Sewlikar, JJ) had issued the direction in paragraph 3 as under :-

“3. In view of the contentions in the petition, petitioner No.1 is referred to expert committee at Government Medical College and Hospital, Ambajogai, Tq.Ambajogai, Dist.Beed. Petitioner No.1 shall appear before expert committee at Government Medical College and Hospital, Ambajogai, Tq.Ambajogai, Dist.Beed on 21st August, 2020 or 22nd August, 2020. On appearance of petitioner No.1, said expert committee shall examine petitioner No.1 and submit report on or before 24th August, 2020 stating and clarifying whether the continuance of pregnancy would involve risk to the life

of pregnant woman or would cause grave injury to her physical or mental health and/or there is substantial risk, if child were to take birth, it would suffer from such physical or mental abnormalities which would be serious handicap.”

3 The Dean of Swami Ramanand Teerth Rural Government Medical College and Hospital, Ambajogai has tendered the report dated 21.08.2020. We have taken the said report dated 21.08.2020 on record and marked as “X” for identification.

4 On perusal of the said report, we find that the Medical Board has specifically observed as under :-

“As there is major and non correctable fetal congenital anomaly and said anomaly is not compatible with life. Hence this committee recommends termination of pregnancy at any government recognized MTP center of choice of patient with due risk.”

5 The learned advocate for the petitioner submits, on instructions, that the risks involved in termination of pregnancy have been apprised to the probable mother (petitioner No.1) and she is willing to face the said risks. The petitioners, who are husband and wife, would not blame any doctor or medical facility if any untoward incident occurs in the termination of pregnancy and would not raise any grievance. Both are agreeable to approach Swami Ramanand Teerth Rural Government Medical College and Hospital, Ambajogai at 11:00 AM on 29.08.2020

(Saturday) for admitting petitioner No.1 for carrying out the termination of pregnancy.

6 In view of the above, this Writ Petition is allowed. Petitioner No.1 accompanied by her husband (petitioner No.2) would remain present before the said Medical College and Hospital as per the time schedule noted above. The Dean of the said Medical College and Hospital would issue necessary orders for carrying out the termination of pregnancy.

kps

(SHRIKANT D. KULKARNI, J.)

(RAVINDRA V. GHUGE, J.)