

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.516 OF 2021

Mrs. X. Y. Z
v/s.

....Petitioner

The Dean of B.J. Government Medical
College & Sasoon Hospital, Pune & Ors.

...Respondents

Mr. Tejas Dande i/b M/s. Tejesh Dande & Associates for the
Petitioner.

Mr. D. P. Singh for Respondent No.1-UOI.

Smt. A. A. Purav, AGP for the Respondent-State.

**CORAM : A. A. SAYED &
 MADHAV JAMDAR, JJ**

DATED : 4th FEBRUARY, 2021

P.C.:

On 2nd February, 2021, we have passed the following
order:

1. The Petitioner is stated to be in her 22nd week of pregnancy. It is the case of the Petitioner that pursuant to the medical tests conducted it was found that there is anomaly in the fetus and she has been advised to terminate the pregnancy. The Petitioner is, therefore, seeks termination of pregnancy.

2. By way of interim measure, we direct that a Medical Board be constituted by the Dean of Sasoon Hospital, Pune, comprising of the following Doctors:

- a) Dean (himself);*
- b) Professor & Head of Obstetrics and Gynecology*

Department;

c) Professor & Head of Department of Radiology;d)Professor & Head of Department of Pediatrics (or such Doctor from this Department who specializes in Neurology);

e) Professor & Head of Department of Psychiatry.

3. If any of the aforesaid Doctors are not available, the Dean shall appoint another Doctor from that Department.

4. Learned Counsel for the Petitioner states that the Petitioner would present herself before the Dean of Sasoon Hospital, Pune tomorrow i.e. on 3 February 2021 at 10 a.m. alongwith copy of this order.

5. We direct the Medical Board to examine the Petitioner and submit a report about permitting medical termination of pregnancy of the Petitioner to this Court on or before 4 February 2021.

6. List the Petition on 4 February 2021 at 2.30 p.m.

7. All concerned to act on an authenticated copy of this order.

2. Pursuant to the above order, the Medical Board has submitted its Report. The recommendation of the Medical Board reads as follows:

“On clinical and sonographic examination mother has pregnancy of 23 weeks and 5 day. She has not major medical and obstetric complications. In view of ultrasonographic findings of multiple fetal anomalies, baby has poor prognosis and can have

*significant morbidity and neurological disability.
Thus medical termination of pregnancy is
recommended with kind permission of Hon'ble
Court"*

3. In view of the above recommendation, we permit the Petitioner to terminate her pregnancy. The Petitioner shall present herself before the Dean of Sasoon Hospital, Pune tomorrow i.e. 5th February, 2021 at 11.00AM.

4. We direct that in the event the child is born alive, Respondent No. 3-State of Maharashtra shall ensure that all necessary medical facilities are provided to the child. If the Petitioner is not willing or not in a position to take responsibility of the child then the State and State Agencies will have to assume full responsibility of the child.

5. The Writ Petition to stand disposed of accordingly.

(MADHAV JAMDAR, J.)

(A. A. SAYED, J.)