

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4391 OF 2021**

X Y Z ... Petitioner
V/s.
Dean of B.J. Government Medical
College and Sassoon Hospital, Pune & Ors. ... Respondents

Mr.Bharat Gadhavi with Mr.Vishal Navale i/b Tejesh Dande & Associates
for the Petitioner.

Mr.A.B.Kadam AGP for the Respondent-State.

Mrs.Purnima Awasthi for Respondent No.2-Union of India.

**CORAM : UJJAL BHUYAN AND
MADHAV J. JAMDAR, JJ.**

DATE : 1ST SEPTEMBER, 2021

P.C:-

Heard Mr.Bharat Gadhavi, learned Counsel for the Petitioner;
Mr.A.B.Kadam, learned AGP for the Respondent-State; and Mrs.Purnima
Awasthi, learned Counsel for Respondent No.2-Union of India.

2. On 20.08.2021 we had passed the following order :

“2. By this petition under Article 226 of the Constitution of India,
petitioner seeks medical termination of her pregnancy which is stated
to be in its 24th week on the ground that the fetus suffers from severe
abnormalities.

3. Having heard learned counsel for the parties and on due
consideration, we direct respondent No.1 i.e. Dean of B. J.

Government Medical College and Sassoon Hospital, Pune to constitute a medical board for examination of the petitioner and thereafter to submit a report in sealed cover on or before the next date.

4. Stand over to 25.08.2021.”

3. Thereafter when the matter was called upon on 25.08.2021 the following order was passed :

“3. Today Smt. Purav, learned AGP has placed before us report of the medical board dated 21.08.2021 which we have perused.

4. Relevant portion of the recommendation of the medical board reads as under:

“Key recommendations of the panel (if any) with justification:On clinical and sonographic examination mother has pregnancy of 22 weeks 6 days with congenital anomaly of Arnold Chiari malformation Type 2 with meningomyelocele.This baby may have significant neurological deficit and may require multiple surgical interventions after birth. Even after these surgical interventions the outcome in terms of morbidity and mortality is guarded and the prognosis is poor.

Thus, medical termination of pregnancy is recommended with kind permission of Hon’ble High Court.”

5. Thus we find that medical board has recommended medical termination of pregnancy of the petitioner as the fetus has poor prognosis with guarded morbidity and mortality.

6. That being the position, we grant liberty to the petitioner to undergo

medical termination of pregnancy in B. J. Government Medical College and Sassoon General Hospital, Pune expeditiously. Outcome of the procedure shall be informed to the Court on the next date.

7. Stand over to 01.09.2021.”

4. Today, when the matter is called upon, learned AGP has placed before us letter of the Dean of B.J. Government Medical College and Sassoon General Hospital, Pune dated 31.08.2021 which states that medical termination of pregnancy of the petitioner was successfully carried out on 27.08.2021.

5. That being the position, nothing survives in this matter. Writ Petition is accordingly disposed of.

[MADHAV JAMDAR, J.]

[UJJAL BHUYAN, J.]