

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6720 OF 2021

Arshiya Shaikh and Anr.

..Petitioners

Versus

Dean, Dr. Vaishampayan Memorial
Government Medical College and
Chhatrapati Shivaji Maharaj General
Hospital and Ors.

..Respondents

Mr. Prosper D'souza, Advocate for the Petitioners.

Mr. S. L. Babar, AGP for the Respondent Nos.1 & 2 – State.

Ms. Neeta V. Masurkar, Advocate for Respondent No.3.

CORAM : UJJAL BHUYAN &
MADHAV J. JAMDAR, JJ.

DATE : 20th OCTOBER, 2021

P.C.

Heard Mr. Prosper D'souza, learned counsel for the petitioner;
Mr. S. L. Babar, learned AGP for respondent Nos.1 and 2; and Ms. Neeta
Masurkar, learned counsel for respondent No.3 – Union of India.

2. On 12.10.2021, we had passed the following order :-

“2. Petitioners are husband and wife. They seek medical
termination of pregnancy of petitioner No.1 - wife on the
ground that the fetus suffers from severe abnormalities.

3. We find that petitioner No.1 is presently in her 24th
week of pregnancy.

4. Having regard to the above and on due consideration,
we direct respondent No.1 i.e. Dean of Dr. Vaishampayan

Memorial Government Medical College and Chhatrapati Shivaji Maharaj General Hospital, Solapur to constitute a medical board for examination of petitioner No.1 and thereafter to submit a report to this court in sealed cover.

5. Petitioner No.1 to appear before the medical board within 48 hours.

6. Stand over to 20.10.2021.”

3. Today, learned AGP has placed before us a report of the medical board dated 14.10.2021. We have perused the said report and we find therefrom that medical board has recommended medical termination of pregnancy on the ground of fetal congenital anomaly, details of which have been mentioned in the medical report.

4. In view of the above, we grant liberty to petitioner No.1 to undergo medical termination of her pregnancy in Dr. Vaishampayan Memorial Government Medical College and Chhatrapati Shivaji Maharaj General Hospital, Solapur.

5. In the event child is born alive and parents are unwilling to take care of the child, we direct State of Maharashtra in the Social Justice and Special Assistance Department to take appropriate steps to look after the well being of the child.

6. Writ petition is disposed of.

BALAJI
GOVINDRAO
PANCHAL

Digitally signed by
BALAJI GOVINDRAO
PANCHAL

Date: 2021.10.20
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MADHAV J. JAMDAR, J

BGP

UJJAL BHUYAN, J