

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 1705 OF 2021

PETITIONER :- Pranita Rahul Vaidhya (Pranita Devidas Bhagat) aged 29,
r/o Flat No.103, Shivanand Apartment,
near Pragati Sabghrhua, Hanuman Nagar,
Nagpur (permanent Address) Behind
Kochar Jin, Ganesh Nagar, Ward No.4,
Borgaon (Meghe), Wardha.

...VERSUS...

RESPONDENTS :-1. Union of India, Through its Secretary,
Health Department, New Delhi.

2. State Of Maharashtra, through The
Principal Secretary, Public Health
Service,s Mantralaya, Mumbai 23.

3. Government Medical College and
Hospital Through its Medical Officer,
Hanuman Nagar, Ajni Road, Medical
Chowk, Nagpur.

Ms. S.H.Bhatia appointed counsel for the petitioner.
Ms.Mugdha Chandurkar, counsel h/f ASGI for respondent no.1.
Mr.N.R.Patil AGP for respondent nos.2 and 3.

CORAM : SUNIL B.SHUKRE &
AVINASH G. GHAROTE, JJ.

DATE : 04.05.2021.

ORAL JUDGMENT (Per :Sunil B.Shukre, J.)

1. Heard.

2. Rule. Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

3. In pursuance of our order dated 27.04.2021, the Committee of Medical experts has examined the petitioner and submitted it's report dated 30.04.2021. This report is now forming part of the record of the case which has been filed along with pursis bearing stamp no.1 of 2021.

4. The report shows that there is an unanimous opinion of all the members of the Committee that it would be in the interest of the patient to undergo the procedure of medical termination of pregnancy with due informed risk and obtaining a consent and also taking optimum necessary precautions at the time of medical termination of the pregnancy. There is no material available on record which would enable us to not accept the opinion of the experts and therefore, we accept, the opinion of the experts.

5. Now we have to go by the opinion of the experts and permit the premature termination of pregnancy of the petitioner in spite of the fact that her pregnancy is of 16 weeks 2 days old as per report dated 30.04.2021. Accordingly, we permit the petitioner to undergo the procedure for premature termination of her pregnancy as per the conditions mentioned in the report.

6. The petitioner has also sought a permission for enabling her to undergo such procedure at a private hospital which is Aditi Gulane Maternity Hospital, Manewada Road, Nagpur. In this regard, the petitioner would have to approach District Level Committee in accordance with Section 4 of the Medical Termination of Pregnancy Act, 1971 for seeking necessary approval. Accordingly, we partly allow the petition by granting permission to the petitioner, to undergo the procedure for medical termination of her pregnancy as per the report of the experts dated 30.04.2021 at a place which would be approved by the District Level Committee. We grant liberty to the petitioner to file an application before the District Level Committee latest by 5.05.2021 and if such an application is filed, same shall be

decided by the Disciplinary Committee in accordance with the law latest by 6.05.2021.

7. The petition is allowed in the aforestated terms.

8. Rule accordingly.

9. Legal remuneration of Rs.5,000/- be paid to the counsel appointed through High Court Legal Services Sub-Committee, Nagpur.

JUDGE

JUDGE