

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

205

CWP-3434-2021

Date of decision: 17.02.2021

NIRMALA

...Petitioner

Versus

STATE OF HARYANA AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present : Mr. Rakesh K. Sharma, Advocate for the petitioner.
Mr. Samarth Sagar, Addl. AG, Haryana.
Mr. Amit Jhanji, Advocate for PGIMS, Chandigarh.

ANIL KSHETARPAL, J. (Oral)

On 15.02.2021, the following order was passed:-

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner has filed this writ petition under Article 226/227 of the Constitution of India for permission to terminate the pregnancy beyond the period prescribed under the Medical Termination of Pregnancy Act, 1971.

It has been asserted in the petition that the ultrasound of the foetus shows that the child has lemon shaped skull with hypoplastic posterior fossa structures.

Notice of motion.

On the request of this Court, Mr. Samarth Sagar, Additional Advocate General, Haryana, accepts notice on behalf of the State.

The Chief Medical Officer, Civil Hospital, Sector 6, Panchkula, is directed to constitute a Medical Board and examine the petitioner, who is directed to appear before the Medical Board, on 16.02.2021, at 11:00 AM. The report be submitted on or before the next date of hearing.

List on 17.02.2021

A medical board consisting of various doctors has examined the petitioner and concluded as under:-

In reference to the CWP No.3434 of 2021 in case of Nirmala Vs. State of Haryana and ors.

The board examined clinically and sonologically on dated 15.02.2021 patient Nirmala w/o Sh. Jai Parkash r/o 545, Rajiv Colony, Sector 17, Panchkula (UHID No.350010604012)

She is G5 P2 A2

G1- Spontaneous abortion at approx 6 to 7 weeks.

G2- 8 year back LSCS at Civil Hospital, Panchkula.

G3- 6 year back LSCS at Civil Hospital, Panchkula

G4- Spontaneous abortion at approx 6 to 7 week about 4 year back.

On examination:- General condition fare, vitals stable and on per abdomen examination uterus is about 24 weeks pregnant uterus size.

Ultrasound done on dated 15.02.2021 “Single live fetus of 23 weeks 2 days 1 week with massive lumbar meningocele, hypoplastic posterior fossa structures (consistent with Arnold Chairri Type – II Malformations) with bilateral club feet.

Conclusion:-

1. As per MTP Act, 1971 MTP can be done upto 20 week of pregnancy and she is about 24 weeks pregnant.

2. Tertiary care centre GMCH – 32 Chandigarh also mentioned in their treatment card that “pregnancy cannot be terminated beyond 20 weeks without court orders”

also she is very high risk case for termination of pregnancy at secondary care centre (Civil Hospital, Sector 6, Panchkula) in view of previous 2 LSCS and previous 2 abortions.

It has been pointed out that she is at a very high risk of termination of pregnancy. She is, very high risk case for termination of pregnancy at secondary care centre and therefore, it would be more appropriate if she gets the termination of pregnancy at a hospital which is fully equipped to deal with the emergency.

Keeping in view the aforesaid facts, Sh. Amit Jhanji, Advocate, who represents PGIMS, Chandigarh was requested to attend the hearing. He has informed the Court that the medical board will be meeting on 19.02.2021.

Keeping in view the urgency involved, the petitioner is directed to appear before the medical board of PGIMS, Chandigarh on 19.02.2021. The medical board after examination will form an independent opinion. If the board comes to a conclusion that the termination of pregnancy is necessary, PGI may take steps as per the advice received from the medical board for termination of pregnancy.

Disposed of.

17.02.2021

ashok

Whether speaking/reasoned:

Whether reportable:

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No