

Gouri Jindal and another

..... Petitioners

Versus

Union Territory and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Harit Sharma, Advocate, for the petitioners.

Ms. Ashna Gill, Standing Counsel for UT, Chandigarh.

Mr. Abhishek Kumar Premi, Advocate, for PGIMER.

RAJESH BHARDWAJ, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

This petition has been filed under Article 226 of the Constitution of India praying for writ of mandamus for directing respondent No.2 to carry out the termination of pregnancy of petitioner No.1 as there is serious complication in the same.

This Court vide order dated 17.6.2021 issued notice to the respondents with a direction to the petitioners to appear before the Medical Superintendent of respondent No.2, who would facilitate the medical examination of petitioner No.1 by Permanent Medical Board and after examination to submit its report arrived at by the Permanent Medical Board.

In pursuance to the same, report of the Permanent Medical Board has been received. The same is opened and perused, wherein, it has been observed that Permanent Medical Board recommends that the patient

may undergo medical termination of pregnancy at this stage due to large ventricular septal defect (VSD) and double outlet right ventricle (DORV) which is suggestive of a genetic disorder and not compatible with normal life.

After hearing learned counsel for the parties and perusing the medical report of the Permanent Medical Board, petitioner No.1 is allowed to undergo the medical termination of her pregnancy as advised and recommended by the Permanent Medical Board of respondent-institute to whom the petitioner had been referred for medical evaluation. Petitioner No.1 shall present herself before respondent No.2 (PGIMER, Chandigarh) within next two days and upon her appearance, respondent No.2 shall carry out the procedure for medical termination of her pregnancy at the earliest without any further delay. The procedure for medically terminating the petitioner's pregnancy would be carried out under the supervision of Head of Department (Obstetric and Gynecology), PGIMER, Chandigarh or any Senior Doctor who may be deputed by the Head of the Department (Obstetric and Gynecology) to carry out the aforementioned procedure.

The petition is allowed in above terms.

(RAJESH BHARDWAJ)
JUDGE

21.6.2021
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No