

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

CWP-11077-2021
Date of Decision: 24.6.2021

Neelam Kumari and another

..... Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ankit Joshi, Advocate, for the petitioners.

Mr. Daldeep Singh Sukarchakia,
Deputy Advocate General, Punjab.

Mr. Anmol P.S. Mann, 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 21.6.2021 issued notice to the respondents with a direction to petitioner No.1 to appear before the Permanent Medical Board/concerned Medical Superintendent, 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 down syndrome of fetus, which is a genetic disorder and as of now no treatment available of this intellectual disability.

Learned counsel for the petitioners has further prayed that the financial condition of the petitioners is not sound and they are unable to meet the expenses to be incurred in the above procedure for termination of pregnancy. Hence, the petitioners be granted the financial aid to meet out the expenses.

The Court has sought information from Mr. Anmol P.S. Mann, Advocate appearing for the PGIMER and it has been assured by him that he would make his best of the efforts to provide the necessary financial help, if, there is policy available with the PGIMER for granting such aid. The Court appreciates the fair stand taken by learned counsel for the PGIMER.

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

24.6.2021
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No