

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CWP No.13597 of 2021
DATE OF DECISION : 30th JULY, 2021

Manisha Singh & another

.... **Petitioners**

Versus

Union Territory of Chandigarh & another

.... **Respondents**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court
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Present : Mr. A. S. Narang, Advocate for the petitioners.

Mr. Aditya Pal Singla, Govt. Pleader, for
respondent No.1-UT, Chandigarh.

Mr. Alok Jain, Advocate for respondent No.2-PGI.

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RAJBIR SEHRAWAT, J. (Oral)

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of writ in the nature of mandamus directing the respondents to terminate the pregnancy of petitioner No.1 after following the due procedure.

Vide order dated 26.07.2021, this Court had requested the Permanent Medical Board, PGIMER, Chandigarh (PGI) to carry out the medical examination of petitioner No.1 with following request:

“Let the petitioner No.1 be examined by the Permanent Medical Board constituted at PGIMER, Chandigarh. The Board is requested to furnish its opinion qua the development and problem of the fetus

and also qua desirability of the termination of the pregnancy; within three days.”

Pursuant to the above said order, the report has been received from the PGI, which has categorically recommended the medical termination of the pregnancy in view of the conditions of the fetus. The report, prominently reads as under:-

- 1. The patient is a multigravida with previous two normal vaginal deliveries and has a child aged 6 years. As per the USG done on 28.07.2021 the period of gestation is 23 weeks and 6 days wks with single live intrauterine pregnancy with anencephaly. This is a congenital malformation of the fetal brain characterized by the absence of a major portion of the brain, skull, and scalp which is not compatible with life.*
- 2. The patient is mentally stressed due to carrying a pregnancy wherein the fetus is affected with congenital malformation and does not wish to continue this pregnancy.*
- 3. The patient has been examined and found to be medically fit.*
- 4. In view of the above, the Permanent Medical Board recommends that this patient may undergo medical termination of pregnancy at this stage due to anencephaly which is a congenital malformation not compatible with life.*

A perusal of the report of the Permanent Medical Board of the PGIMER, Chandigarh shows that the fetus is likely not to have major portion of brain, skull and scalp, which is not compatible with life. The Medical Board has also opined that it is appropriate to have medical

termination of pregnancy, by informing the petitioners with extra risk involved in such pregnancy.

In view of the above, the present petition is allowed. The petitioner No.1 is permitted to get the pregnancy terminated. The respondent No.2-PGIMER, Chandigarh may proceed further by adopting all the safety measures and procedural protocol, as recommended by the Medical Board.

Let the necessary procedure be carried out at the earliest possible so as to avoid any further complications and danger to the life of petitioner No.1.

A copy of this order be given to learned counsel for the parties under the signature of Bench Secretary of this Court.

30th July, 2021
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>