

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CWP No.16104 of 2021
DATE OF DECISION : 25th AUGUST, 2021

Meena Kumari & another

.... **Petitioners**

Versus

The State of U. T. & another

.... **Respondents**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court
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Present : Mr. Jagdeep Singh Bajwa, Advocate for the petitioners.

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

Mr. Saurabh Sharma, Advocate for respondent No.2.

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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 respondent No.2 or any other medical organization for conducting medical termination of pregnancy of petitioner No.1 on account of medical complications as detailed in Annexures P-1 to P-4, along with certain other prayers.

Vide order dated 20.08.2021, 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 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 petitioner is a 28 years old primigravida. As per the USG done on 21.08.2021 the period of gestation is 23 weeks+ 6 days with single live intrauterine pregnancy. There are multiple congenital anomalies of fetus with left cleft lip with cleft palate, moderate ventriculomegaly, hypoplastic cerebellum with right small eye ball, single umbilical artery and polyhydramnios.*
- 2. The patient is mentally stressed as she does not want to continue the pregnancy with an abnormal fetus who is not likely to have a normal outcome.*
- 3. The patient has been examined and found to be medically fit*
- 4. As per the Royal college of Obstetricians & Gynaecologists (RCOG) guidelines (Termination of pregnancy for foetal abnormality, 2010), in cases where medical abortion is being performed after 21 weeks +6 days of gestation for foetal abnormalities, to prevent a live birth, ultrasound guided injection of Potassium Chloride in the foetal heart is advised prior to abortion.*
- 5. Keeping in view the above, the Permanent Medical Board recommends that this patient may undergo medical termination of pregnancy at this stage due to single live intrauterine pregnancy with multiple congenital anomalies of brain, spine, left lip with palate and eye. The board advises genetic tests from foetal sample to identify the genetic cause which may be useful in subsequent pregnancy.*

We also wish to bring to the knowledge of the Hon'ble High Court that medical termination of pregnancy at an advanced gestation of 23 weeks + 6 days carries more than the usual risks which have been explained to patient.

A perusal of the report of the Permanent Medical Board of the PGIMER, Chandigarh suggests that the patient may undergo medical termination of pregnancy at this stage due to multiple congenital anomalies of fetus with left cleft lip with cleft palate, moderate ventriculomegaly, hypoplastic cerebellum with right small eye ball, single umbilical artery and polyhydramnios.

In view of the above, the present petition is allowed. The petitioner No.1 is permitted to get the pregnancy terminated. The PGIMER, Chandigarh may proceed further for medical termination of pregnancy 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.

25th AUGUST, 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>