

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CWP No.16150 of 2021

DATE OF DECISION : 24th AUGUST, 2021

Sangeeta & another

.... Petitioners

Versus

Chandigarh Administration & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court
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Present : Mr. Gautam Bhardwaj, Advocate for the petitioners.
Ms. Akanksha Swaney, Additional Standing Counsel, for
respondent No.1 -UT, Chandigarh.
Mr. Abhishek Kumar Premi, Advocate
for respondents No.2 & 3.

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RAJBIR SEHRAWAT, J. (Oral)

This is a petition filed under Article 226 of the Constitution of India seeking issuance of writ in the nature of mandamus directing respondent No.2 to terminate the pregnancy of petitioner No.1 in consonance to the report (Annexure P-1) given by respondent No.3, which shows 'Hypoplastic Left Heart Syndrome' in the child in the womb and the continuation of pregnancy would cause grave injury to the child, along with certain other prayers.

Vide order dated 19.08.2021, 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; before the next date of hearing.”

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 23 years old primigravida. As per the USG done on 20.08.2021 the period of gestation is 22 weeks 1 day with single live intrauterine pregnancy with hypoplastic left heart syndrome. The fetal echo was also done at PGIMER Chandigarh, which further confirms the hypoplastic left heart syndrome anomaly.*
- 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 congenital anomalies of heart. 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 22 weeks + 1 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 hypoplastic left heart syndrome.

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.

24th 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>