

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

201

**CWP No.18637 of 2021 (O&M)
Date of decision : 24.09.2021**

Dulari

.....Petitioner

Verus

Chandigarh Administration and another

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Ms. Shweta Nahata, Advocate for the petitioner.

Mr. Aditya Pal Singla, Advocate for respondent No.1.

Ms. Jyoti Kaushal, Advocate for respondent No.2.

Rajbir Sehrawat, J. (Oral)

This petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of mandamus, directing the respondents to medically examine the petitioner through Medical Board and then allow medical termination of the pregnancy of the petitioner, as the brain of the fetus is dilated and petitioner is more than 25 weeks pregnant.

Vide order dated 20.09.2021, this Court had requested the Permanent Medical Board, PGIMER, Chandigarh to carry out the medical examination of the petitioner; with following request :-

“Let the petitioner 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 30 years old primigravide. As per the ultrasound done on 22.09.2021 the period of gestation is 26 weeks 5 days with single live intrauterine pregnancy weighing 1005 gms with **supratentorial hydrocephalus**. This is an abnormality of the fetal brain wherein the brain cavity is filled with extra fluid causing brain damage.

2. The petitioner 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 petitioner has been examined and found to be medically fit and can be taken up for MTP.

4. The Permanent Medical Board recommends that this petitioner may undergo medical termination of pregnancy at this stage in view of supratentorial hydrocephalus which is not compatible with life. We also wish to bring to the knowledge of the Hon'ble High Court that the medical termination of pregnancy at an advanced gestation of 26 weeks + 5 days carries more than the usual risks which have been explained to the patient.

5. The board also advises ultrasound guided injection of Potassium Chloride (KCI) into the fetal heart prior to abortion. This is as per the Royal College of Obstetricians & Gynecologists (RCOG) guidelines (Termination of pregnancy for fetal abnormality, 2010), when medical abortion is performed after 21 weeks + 6 days of gestation for fetal abnormalities, ultrasound guided injection of Potassium Chloride into the fetal heart is advised prior to abortion to prevent a live birth.

6. The Medical Board advises that fetal autopsy and genetic test from fetal DNA to be conducted to guide the petitioner in her future pregnancy.”

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 in view of supratentorial hydrocephalus which is not compatible with life.

In view of the above, the present petition is allowed. The petitioner 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 the petitioner.

(RAJBIR SEHRAWAT)
JUDGE

24.09.2021

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Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No