

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CWP No.25575 of 2021
DATE OF DECISION : 21st DECEMBER, 2021

Kranti

.... Petitioner

Versus

Post Graduat Institute of Medical Education and Research
(PGIMER), Chandigarh

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court
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Present : Ms. Hema Sharma, Advocate for the petitioner.

Mr. Prateek Gupta, Advocate for the respondent.

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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 the respondent to medically examine the petitioner through its Permanent Medical Board for assessing the status of the serious multiple congenital defects of acrania-exencephaly-anencephaly sequence and spina bifida in the fetus of the petitioner that are not only endangering to the survival of the fetus, but would also be totally averse to the life of the child, if born and thereafter directing to terminate her pregnancy which is about 24 weeks and 4 days old.

Vide order dated 17.12.2021, this Court had requested the Permanent Medical Board, PGIMER, Chandigarh (PGI) to carry out the medical examination of 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. As per the USG done on 09.12.2021 the period of gestation is 24 weeks 03 days with single live intrauterine pregnancy with exencephaly with open spinal dysraphism at cervico-dorsal region which is not compatible with normal life. It is further mentioned that the patient is gravida four (04) with two living children and one previous caesarean section. The previous caesarean section itself further increases the risk of undergoing MTP.*
- 2. The patient is mentally stressed due to carrying a pregnancy wherein fetus is affected with congenital malformations and does not wish to continue this pregnancy.*
- 3. The patient has been medically examined and has been found to be having mild anemia and beta thalassemia trait.*
- 4. The permanent medical board recommends that this patient may undergo medical termination pregnancy at this stage in view of her malformations which is not compatible with normal life. We also wish to bring to the knowledge that the medical termination of pregnancy at an advanced gestation of 24 weeks 03 days carries more than usual risks which have been explained to the patient.*
- 5. Keeping in view the above, the Permanent Medical Board advises that the doctors carrying out the procedure of medical termination of pregnancy perform fetal autopsy and*

genetic test from fetal DNA to guide the patient in her future pregnancies.

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 exencephaly with open spinal dysrapism at cervico-dorsal region, which is not compatible with normal 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 petitioner.

21st DECEMBER, 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>