

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.6235 OF 2022

**VARSHA PANDURANG DHANDE
VERSUS
UNION OF INDIA THROUGH THE SECRETARY AND
OTHERS**

...
Advocate for the Petitioner : Shri Deshmukh Vijay Vasantryao
Standing Counsel for Respondent 1/ UoI : Shri D.B. Gaikwad
AGP for the Respondents/ State : Shri S.P. Tiwari
...

**CORAM : RAVINDRA V. GHUGE
&
ANIL L. PANSARE, JJ.**

DATE :- 22nd June, 2022

Per Court :-

1. Pursuant to our order dated 20.06.2022, the Medical Board/ respondent No.4 herein has submitted the report in which, the Board has indicated it's opinion as under :-

“Opinion by Medical Board for termination of pregnancy:

a) Allowed.

Justification for the decision : Associated with such a fetal anomaly that if the child were born, it would suffer from such physical or mental abnormalities to be seriously handicapped.

Physical fitness of the woman for the termination of pregnancy : MTP may be done with due risk. With the present advanced gestational age, there is high possibility of a

surgical intervention, blood transfusion, and other unforeseen risk. The Hon. High Court is humbly requested to take the undertaking of the said risk from the patient and her husband.”

2. The report dated 21.06.2022 is taken on record and marked as “X-1” for identification.

3. Since the opinion of the Board indicates that the foetus should not be permitted to grow to it’s maximum term and to be delivered, as it would suffer serious physical and mental abnormality and the would be mother is likely to face great risk on account of advanced gestational age which would lead to high possibility of a surgical intervention, blood transfusion and other unforeseen risk, that the Board has requested the Court to call upon the petitioner and her husband to express their willingness to undergo the medical termination of pregnancy.

4. In this backdrop, the petitioner has tendered her affidavit dated 22.06.2022, which is taken on record and marked as “X-2” for identification. Her husband has also tendered a similar affidavit, which is taken on record and marked as “X-3” for identification. Both undertake to face the consequences while undergoing the medical termination of pregnancy and further undertake that they would not blame the doctors, nurses and

other paramedical staff if, unfortunately, any complication arises while undergoing the procedure for termination of pregnancy.

5. We need to record that as the petitioner would be admitted in the Government Medical College and Hospital at Aurangabad by completing formalities, she and her husband would also sign an undertaking as may be required to be signed while completing the procedural formalities.

6. In view of the above, this Writ Petition is disposed off, by permitting the termination of pregnancy.

7. The petitioner and her husband submit that they would reach the Gynecology Department of the Government Medical College and Hospital, Aurangabad, tomorrow i.e. 23.06.2022 at 10:00 AM and would complete necessary procedural formalities while getting admitted in the hospital.

kps **(ANIL L. PANSARE, J.) (RAVINDRA V. GHUGE, J.)**