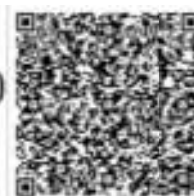


2024:PHHC:166470



CWP-32152 of 2024 (O&M)

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

CWP-32152 of 2024 (O&M)

Date of decision : December 12,2024

Sarbjit Kaur and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :-Mr. A.P.S. Mann, Advocate
for the petitioners.

Ms. Akshita Chauhan, DAG., Punjab.

Mr. Gurjeet Singh Saini, Advocate
for respondent No.4.

VINOD S. BHARDWAJ, J (Oral)

1. The petitioners have approached this Court for seeking directions to the respondents to permit and provide Assisted Reproductive Technology Services, including In Vitro Fertilization (IVF) treatment under the Assisted Reproductive Technology (Regulation) Act, 2021 for conception of a human embryo and its implantation alongwith consequential pregnancy of the petitioner No.1 which has been denied to them on account of petitioner No.2 being marginally over the prescribed age of 55 years under Section 21 (g) (ii) of the Assisted Reproductive Technology (Regulation) Act, 2021.

2. Learned counsel appearing on behalf of the petitioners contends that the petitioners lost their son namely Gurkirat Singh aged

22 years. A daughter namely Prabhjot Kaur born in the year 1998 was married off in the year 2020 and there is no other person to take care of the petitioners. He contends that the petitioners were intending to overcome the untimely loss of their son by conceiving, however on account of the petitioner No.1 having attained menopause, it has become improbable for the petitioner No.1 to conceive, thus, requiring the assistance of In Vitro Fertilization (IVF).

3. Learned counsel for the petitioners places reliance on the judgment passed by the Calcutta High Court in **WPA No. 12154 of 2023 Sanchita Ghosh and another Vs. Union of India and others** decided on 08.04.2024 as well as **WPA No. 23776 of 2024 Shyamoli Saha and another Vs. The State of West Bengal and others** decided on 22.11.2024.

4. Learned State counsel on instructions submits that respondent No.2-State Appropriate Authority, Punjab which is the competent body appointed under Section 12 of the Assisted Reproductive Technology (Regulation) Act, 2021, shall take a decision on the request of the petitioners by treating the present writ petition as a representation in a time bound manner preferably within a period of four weeks.

5. In view of the above, learned counsel for the petitioners does not press the present writ petition at this stage so as to await a decision to be taken by respondent No.2.

6. The present writ petition is disposed of at this stage with a direction to respondent No.2-State Appropriate Authority, Punjab to

treat the present writ petition as a representation of the petitioners and take a decision thereupon in the light of the statutory provisions as well as judicial pronouncements. Let the aforesaid decision be taken positively within a period of four weeks from today.

7. Needless to mention, in the event of decision not being taken in favour of the petitioners, they shall be at liberty to take recourse to such remedies as available to them in accordance with law.

(VINOD S. BHARDWAJ)
JUDGE

December 12, 2024
archana

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No