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01.08.2025
Court No.14
AGM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 12857 of 2025

Smt. Sonali Ray & Anr.
Vs.
Union of India & Ors.

Ms. Deblina Lahiri.
Mr. Debaish Sarkar.
Mr. Mrinmoy Chatterjee.

...for the Petitioners.

1. Affidavit-of-service filed in Court today be retained with the records.
2. None appears on behalf of the respondents.
3. The petitioners, as commissioning couple, applied before the respondent no. 4 clinic for obtaining the facilities under the Assisted Reproductive Technology (Regulation) Act, 2021.
4. As the petitioner no. 2/husband has crossed the prescribed age limit of 55 years for receiving the service, the clinic has refused to provide the service to the petitioners.
5. The issue as to whether service can be provided to the commissioning couple if the wife is within the prescribed age limit of 50 years and the husband crossed the age limit fell for consideration before this Court in the matter of **Shyamali Saha & Anr. -Vs- State of West Bengal & Ors.** reported in **2024 SCC OnLine Cal 10379**.
6. Vide judgment dated 22nd November, 2024 the Court was pleased to hold that the petitioners would be entitled to

receive the facility under the Act as the wife was within the prescribed age limit.

7. In the instant case, the wife is aged 39 years and the husband is 66 years old.

8. As the facts of the case are similar to the facts of Shyamali Saha & Anr. (supra), accordingly, the direction passed in the matter of Shyamali Saha & Anr. (supra) shall be made applicable in the instant case.

9. The respondent no. 4 is directed to provide the Assisted Reproductive Technology Service facility to the petitioners.

10. The writ petition stands disposed of.

11. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)