

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 14090 of 2025

**Sarmistha Sarkar & Anr.
-versus
The State of West Bengal & Ors.**

**Mr. Subhadeep Chatterjee.
Ms. Arpita Kundu.
...For the Petitioners.**

**Ms. Sipra Majumdar.
Ms. Prativa Ghatak.
... For the State.**

1. The petitioners are a married couple who unfortunately lost their only child of eighteen years.
2. Currently the petitioner no. 1/wife is aged about 49 years and the petitioner no. 2/husband is just above 60 years. They intend to get a child once again.
3. As the petitioners are unable to conceive naturally, they intend to avail the facility under the Assisted Reproductive Technology (Regulation) Act, 2021.
4. As the petitioner no. 2 is over aged, the medical clinic is not permitting the petitioners to avail the said facility.
5. The petitioners rely on the judgment delivered by this Bench on 22nd November 2024 in **WPA 23776 of 2024 (Shyamoli Saha & Anr -Vs- The State of West Bengal & Ors.)** wherein, under similar circumstances, the Court permitted the

commissioning couple to be provided the benefit under the Act.

6. As similar relief has been granted in the matter of Shyamoli Saha & Anr. (supra), accordingly, the Court passes similar direction herein.
7. The respondent no. 4-Nursing Home is directed to permit the petitioners to avail the facility under the Act.
8. The writ petition stands disposed of.
9. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)