

27
16.09.2025
AGM

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

W.P.A 14806 of 2025

**Sri. Bidhan Chandra Roy & Anr.
-versus
The State of West Bengal & Ors.**

**Mr. Chittapriya Ghosh.
Ms. Aiswarjya Gupta.
Ms. Priyanka Saha.
...For the Petitioners.**

**Mr. Sabyasachi Chatterjee.
Mr. Goutam Sardar.
... For the applicant in CAN 1 of 2025.**

**Ms. Sonal Sinha.
Ms. Ashmita Chakraborty.
... For the State.**

1. Affidavit-of-service filed in Court today be kept with the records.

2. The petitioners, as commissioning couple, seek to take advantage of the Assisted Reproductive Technology Service.

3. As the husband has crossed the prescribed age limit, the clinic is refusing to provide the service to the couple.

4. Learned advocate for the petitioners relies upon the judgment delivered by this Court on 22nd November, 2024 in **WPA No. 23776 of 2024** in **Shyamoli Saha & Anr. -Vs- The State of West Bengal & Ors.**

5. It appears that the facts of the instant case are similar to the one of Shyamoli Saha (supra).

6. Accordingly, the direction passed in the matter of Shyamoli Saha (supra) will apply in the present case.

7. It is held that the petitioners will be eligible to avail the facility of the Assisted Reproductive Technology Service and the clinic is directed to provide such facility to the petitioners.

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.)