

D/L 13
07.04.2025
Court No.14
AGM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 30564 of 2024

Smt. Bulbul Sarkar & Anr.

Vs.

The Union of India & Ors.

Ms. Deblina Lahiri.
Mr. Mrinmoy Chatterjee.

...for the Petitioners.

Ms. Susmita Saha Dutta.
Mr. Suryaneel Das.

...for the Union of India.

1. The petitioners intend to avail the benefit under the Assisted Reproductive Technology (Regulation) Act, 2021.
2. The petitioner no. 1/wife is 41 years and the petitioner no. 2/husband is 58 years.
3. To get relief under the aforesaid Act, the upper age limit for a female is 50 years and for a male it is 55 years.
4. In the instant case, though the petitioner no. 1 is within the prescribed age limit, the petitioner no. 2 has crossed the upper age limit.
5. The petitioners have averred in the instant writ petition that the petitioner no. 2 will be a supportive partner and will not have any physical role to play in the birth of the child.
6. Learned advocate for the petitioners relies 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 the entire issue was discussed. The Court was of the opinion that

the petitioners will be eligible to avail the facility of the artificial reproductive technology service and directed the service provider to provide such facility to the petitioners.

7. As in the instant case, the facts are similar to the facts of Shyamoli Saha (supra), accordingly, similar directions are being passed.
8. It is held that the petitioners would be entitled to avail the facility of the Assisted Reproductive Technology Services and the respondent no. 4 service provider is directed to provide such service to the petitioners.
9. The writ petition stands disposed of.
10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all the requisite formalities.

(Amrita Sinha, J.)