



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 WRIT PETITION NO.13709 OF 2025

SNEHAL KAPIL GAIKWAD ALIAS SNEHAL BABURAO KALE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. R.N. Dhakane, Advocate for petitioner

Mr. S.B. Narwade, AGP for respondent Nos.1 to 3

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CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.

DATE : 20th NOVEMBER, 2025

ORDER :

. Present petition has been filed for termination of pregnancy of approximately 24 to 25 weeks through the registered medical practitioner as there is risk to the fetus, as the fetus is having Dandy Walker Syndrome.

2 The petitioner is a 23 years old housewife, who underwent a USG Obstetric Early Scan, wherein it was confirmed that the petitioner was approximately 8 weeks pregnant. She was getting herself checked regularly and periodically ultrasonography scans were made. However, when one such obstetric ultrasonography was made on 13.11.2025, the report contains

following :

“Cisterna magna appears enlarged, measuring 17.0 mm. cerebellar vermis appears absent (partially developed).”

3 The Radiologist had then advised a repeat scan from a senior Radiologist to rule out Dandy-Walker Malformation and other anomalies. Therefore, she has got herself checked from another Doctor on 14.11.2025, wherein following was the impression :

“SINGLE LIVE INTRAUTERINE PREGNANCY OF AGE 23 WEEKS 5 DAYS IN VARIABLE LIE. ABOVE FINDINGS LIKELY SUGGEST DANDY WALKER MALFORMATION SPECTRUM AS DESCRIBED.”

4 After the referral letter dated 14.11.2025 given by Dr. Yende, she consulted District Hospital, Beed (Radiologist Department) for further confirmation. The result was the same and the fetus was showing abnormality. Taking into consideration the fact that her pregnancy at that time was approximately 24 to 25 weeks, registered Medical Officer cannot perform the termination on his own. Hence, the petition.

5 By our order dated 17.11.2025 we had directed Civil Surgeon, Government Hospital and Training Institute, Chhatrapati Sambhajinagar

(GHATI) to form Medical Board and get the petitioner tested either on 18.11.2025 or on 19.11.2025 and give the report on 20.11.2025.

6 It appears that petitioner was examined by the board on 19.11.2025. She has underwent the necessary scanning. It has been stated that the USG scan done on 19.11.2025 with 24 weeks one day with dandy walker malformation spectrum in present anomaly scan. The board has also given its opinion for the termination of the pregnancy and the justification for the decision has also been stated as – above anomalies suggest a poor prognosis, with significant risk to the fetus's survival and quality of life. The continuation of pregnancy is likely to result in severe morbidity, requiring extensive medical and surgical intervention post birth & possibly compromising long term survival. Considering severity of these conditions MTP is recommended. It is then also stated that the baby may remain alive. Need of a surgical intervention and possibility of blood transfusion, and possibility of other unforeseen risks explained to patient and relatives.

7 Taking into consideration the fact that the fetus has developed the risk as it is having dandy walker malformation spectrum and also the fact that the risk that has been assessed by the team of medical expert, there is no hurdle in allowing the petition.

8 The Writ Petition stands allowed.

9 The petitioner may undergo the medical termination of a pregnancy of approximately 24 to 25 weeks.

10 It is stated that she is admitted in GHATI, Chhatrapati Sambhajanagar and it is submitted on her behalf by learned Advocate that she would like to undergo the termination of pregnancy at GHATI, Chhatrapati Sambhajanagar. Since it is a Government Hospital, the same is permitted.

11 Parties to act upon authenticated copy of this order.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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