



W.P(MD)No.2241 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P(MD)No.2241 of 2025

A.Veronica Mary

... Petitioner

vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Welfare Department,
State of Tamil Nadu,
Fort St. George,
Chennai – 600 009.

2.The Director,
Directorate of Medical Education,
162, E.V.R Periyarsalai,
Kilpak,
Chennai – 600 010.

3.The Dean,
Government Rajaji Hospital,
Madurai – 625 020.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Mandamus to direct the respondents to establish

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fertility centres with all infrastructure of PGD-IVF, Intracytoplasmic Sperm Injection (ICSI) Morphologically selected Sperm Injection (IMSI), Laser Hatching, PGD Sperm Bank, Egg Bank, Embryo Bank, Time Lapse, Fibroid clinic and needed facility for fertility centre in Madurai Rajaji Medical College Hospital for benefit of poor childless couples in accordance with law within the time stipulated by this Court.

For Petitioner : Dr.R.Alagumani

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM, J.)

The Writ of Mandamus has been instituted to direct the respondents to establish fertility centres with all infrastructures including PGD-IVF, Intracytoplasmic Sperm Injection (ICSI), Intracytoplasmic Morphologically Selected Sperm Injection (IMSI), Laser Hatching, PGD, Sperm Bank, Egg Bank, Embryo Bank, Time Lapse, Fibroid clinic and other required facilities for a fertility centre at Government Rajaji Medical College Hospital, Madurai, for the benefit of poor childless couples.

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2.The learned counsel for the petitioner would mainly contend that the very same writ petitioner had earlier filed W.P(MD)No.24421 of 2018 seeking similar relief. The Division Bench of this Court passed final orders on 01.03.2024, which reads as follows:

“4.The proposal for starting of Fertility Research Centre at Government Rajaji Hospital and to procure the equipment for OG Department at a cost of Rs.1,38,76,760/- (Rupees One Crore Thirty Eight Lakhs Seventy Six Thousand Seven Hundred and Sixty Only) has been sent to the Government for orders.

5.In view of the status report, it is clear that steps are being taken. We hope and trust that the said steps are expedited.”

3.Inspite of the fact that the proposal has already been forwarded to the Government for orders, no final decision has been taken by the Government for establishing the fertility treatment centre at Government Rajaji Hospital, Madurai.



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4.No doubt, it is a policy decision to be taken by the Government after considering various factors and mitigating circumstances. The Court, not being an expert body in the medical field, cannot substitute its opinion regarding whether a particular treatment centre should be established. However, there are growing demands from the public that such fertility centres are to be established strategically in various places enabling the poor people to take treatment. When the demand requires establishment of such centres for the benefit of the people any welfare Government has to consider the same in an effective manner.

5.The learned counsel for the petitioner relied on the Judgment of the Division Bench of this Court ***in W.P(MD)Nos.11886 of 2019 and 19218 of 2024 dated 09.04.2025***, concerning the establishment of Bone Marrow Transplantation Surgery Facilities with all infrastructures at Government Rajaji Hospital, Madurai, as established in Rajiv Gandhi Government General Hospital, Chennai. However, the said treatment is a life-saving treatment which is to be provided, which cannot be equated with the fertility treatment to be provided to the deserving people. However, the Government in the earlier Writ Petition made a submission that a proposal has been submitted.



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6.That being the factum, the Government may consider for establishing the fertility treatment centre at Government Rajaji Hospital, Madurai, as expeditiously as possible and in the manner known to law, for the benefit of the public.

7.With these observations, this Writ Petition stands disposed of.
There shall be no order as to costs.

[S.M.S.,J.] & [A.D.M.C.,J.]
02.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
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and
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ORDER MADE IN
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