



W.P(MD)No.17017 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.17017 of 2025

Rajalakshmi

... Petitioner

Vs

1. The Union of India,
Department of Health and Family Welfare,
Nirman Bhawan,
New Delhi.
2. State Rep. By
The Secretary to the Government of Tamil Nadu,
Department of Health and Family Welfare,
Secretariat, Fort St. George,
Chennai.
3. The Director,
Directorate of Medical and Rural Health Services,
No.359, DMS Complex, 361,
Anna Salai,
Chennai.
4. The Joint Director of Health Service,
District Medical Board,
No.359, Dms Complex,
361, Anna Salai,
Chennai.
5. The Joint Director,
District Medical Board,
Mahatma Gandhi Hospital,
Puthur, Trichy District.



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6. The Joint Director,
District Medical Board,
Government Medical College and Hospital,
Pudukottai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a *Writ of Mandamus*, directing the respondents to grant permission to the Petitioner and her husband to continue with the IVF treatment thereby enabling them to get their valuable right to get a child through the Assisted Reproductive Technology Services.

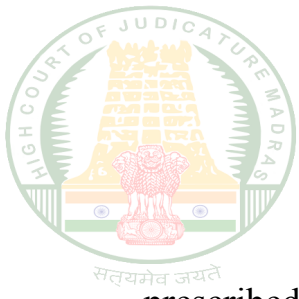
For Petitioner : Mr.Ganapathi Subramanian

For Respondents : Mr.K.Govindarajan,
Deputy Solicitor General of India, for R-1
Mr.J.Amjadkhan, for R-2 to R-6

ORDER

The present Writ Petition has been filed for the issuance of a *Writ of Mandamus*, directing the respondents to grant permission to the Petitioner and her husband to continue with the IVF treatment thereby enabling them to get their valuable right to get a child through the Assisted Reproductive Technology Services.

2.Under the Assisted Reproductive Technology (ART) services, the age limit is fixed at 55 years for the husband and 50 years for the wife.



3. In the present case, the husband has crossed the age limit prescribed under the Assisted Reproductive Technology (Regulation) Act, 2021.

However, the wife is still within the permissible age limit, as she is now 49 years old. The petitioner now claims that they intend to proceed under the provisions of the Assisted Reproductive Technology (Regulation) Act, 2021. Therefore, the husband's age exceeding the prescribed limit should not be considered an impediment to the continuation of the process.

4. The contention of the respondents is that the petitioner has already undergone IVF treatment at Madurai ARC Hospital using her own gametes, which resulted in a miscarriage. She is currently classified as high-risk. Therefore, based on the medical report, it is advised that the petitioner should not undergo further IVF treatment. However, the petitioner is willing and ready to proceed with IVF treatment at her own risk.

5. Considering the facts of the case, the petitioner is permitted to undergo IVF treatment according to medical procedures, at her own risk. The respondents are directed to carry out the medical procedures prescribed under the Assisted Reproductive Technology Services promptly, as expeditiously as possible.



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6. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
Internet : Yes
KSA

09.07.2025

Note : Issue a copy of order on 11.07.2025



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To

1. The Union of India,
Department of Health and Family Welfare,
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S.SRIMATHY, J.

KSA

**ORDER MADE IN
W.P(MD)No.17017 of 2025**

DATED : 09.07.2025