

Salgaonkar

MANDIRA MILIND
SALGAONKAR

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4021 OF 2026

ABC through father .. Petitioner

Versus

State of Maharashtra through AGP & .. Respondents
Ors.

...

Mr.Vivekanand Krishnan for the Petitioner.

Mr.B.V.Samant, Addl.G.P. with Smt.M.P.Thakur, A.G.P. for the
State/ Respondent Nos.1 to 3.

CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.

DATE : 30th MARCH, 2026

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P.C:-

1. In continuation of our previous order, the learned Government Advocate Mr.Samant has placed before us a report from the District Civil Hospital, Nashik, after the Petitioner 'ABC', 15 years old girl, is examined by the Medical Board constituted for the purpose of termination of pregnancy.

The report is signed by the Head of the various Departments, in form of a Medical Board, constituted in terms of the directions of the Hon'ble Apex Court. The report is taken on record and marked 'X' for identification.

2. On being examined by the team of doctors, which include Gynecologist as well as Pediatrician, the observation of the Medical Board in the report is reflected thus :-

“Termination of Pregnancy after 24 weeks of gestational is not advisable in best interest of both mother and baby. 2)Induction of Labour at 28 weeks of gestation may fail & result into LSCS (Caesarean Section) 3) Mother’s mental and physical condition in stable at present. 4) 28 weeks preterm baby has 80% chances of survival. 5)Baby delivered prematurely may suffer from significant morbidity due to prematurity. 6) Hemoglobin is 9.1 gm which may endanger her life during induction of labour.”

3. Upon being confronted with the aforesaid conclusion, the learned counsel for the Petitioner would submit that the Board ought to have considered that the Petitioner is 15 years old girl, carrying 28 weeks of pregnancy and particularly, when she does not suffer from any systematic illness, but is exercising her reproductive autonomy and particularly, when she is unmarried minor girl, apprehending social stigma in continuing the pregnancy. He seek directions from the Court to have the Petitioner examined by the Medical Board from Sir J.J.Group of Hospitals, as according to the learned counsel, it is not uncommon to terminate the pregnancy beyond 24 weeks with the approval of the Court and in many such cases, the Courts have come to the rescue of such mothers, who do not want to give birth to the child, on account of several circumstances beyond their control, as it may have adverse consequences upon their mental and physical health.

4. We concur with the submission and we must take note of the fact that in various cases, we have permitted the pregnancy to be terminated, despite the fact that it has travelled beyond 24 weeks and though we are not expert in the field, we must give weightage to the expert opinion, which is placed before us. In the given circumstances, deem it appropriate to refer the Petitioner for being examined by the Medical Board at the Sir J.J.Group of Hospitals, as the

Petitioner is ready to take risk of travelling from Nashik to Mumbai and if the Board is of the opinion that the pregnancy can be terminated, the termination can be carried in the Sir J.J.Group of Hospitals.

5. The learned counsel for the Petitioner undertakes that the Petitioner shall report to Sir J.J.Group of Hospitals tomorrow at 9.30 a.m. for her medical examination and we direct that the report shall be placed before us day after tomorrow i.e. on 01/04/2026.

6. If Sir J.J.Group of Hospitals give a positive opinion, we will consider the said opinion and depending upon the justification offered in the report, permit the pregnancy to be terminated. We make it clear that in no case, the action to be initiated, to cause any mental/physical harm to the girl, who is minor.

7. Let Mr.Samant communicate this order to the Dean of Sir J.J.Group of Hospitals, which is expected to constitute the Medical Board and examine the minor girl tomorrow i.e. on 31/03/2026, when she reports to the Hospital.

Mr.Samant is permitted to have a copy of the report from District Civil Hospital, so that the same can be placed before the Medical Board of Sir J.J.Group of Hospitals.

8. Stand over to **01/04/2026**. It shall be listed **First on Board**.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)