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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-02-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 17327 of 2025

AND

WMP NO. 19639 OF 2025

1. Jacob George
2. Minimole Jacob

..Petitioner(s)

Vs

1. The State Rep. By
Principal Secretary To Government,
Health And Family Welfare Department, Secretariat,
Chennai.
2. The Director
The Director Of Medical And Rural Health Service,
No.359, DMS Complex, 361,
Anna Salai, Chennai-600 006.
3. The Joint Director Of Medical And Rural Health
Service
District Medical Board, No.359,
DMS Complex, 361, Anna Salai,
Chennai-600 006.
4. The Secretary,



Government of India,
Ministry of Health and Family Welfare, Department of
Health Research,
2nd Floor, IRCS Building,
Red Cross Road, New Delhi – 110 001.

(R4 SUO MOTU IMPEADED VIDE ORDER
DATED 27.01.2026 MADE IN WP.17327/2025)

..Respondent(s)

Prayer: This petition is filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus, Calling for the records pertaining to the order dated 21.04.2025 in Ref.No.70272/E7/3/2025 on the file of the 3rdrespondent, quash the same, consequently direct the 3rdrespondent to provide permission for the 2ndpetitioner to undergo the treatment of In Vitro Fertilisation (IVF) as contemplated under the Assisted Reproductive Technology (Regulation) Act 2021.

For Petitioner(s): Mr.C.D.Sugumar

For Respondent(s): Mr.M.Bindran,
Additional Government Pleader-R1
Ms.Sneha,
Special Counsel for R2 and R3

Order

This petition has been filed for the following relief:

“To issue a writ of certiorarified mandamus, calling for the records pertaining to the order dated 21.04.2025 in Ref.No.70272/E7/3/2025



on the file of the 3rd respondent, quash the same and consequently to direct the 3rd respondent to provide permission for the 2nd petitioner to undergo the treatment of In Vitro Fertilisation (IVF) as contemplated under the Assisted Reproductive Technology (Regulation) Act 2021.”

2. In view of the orders passed by the First Bench of this Court in a batch of writ petitions in W.P.No.16191 of 2024 etc., dated 20.11.2025 wherein, in paragraphs 11 to 13 the Bench has observed as follows:-

“11. Having considered the submissions of the learned counsel for the parties and taking into consideration the nature of relief which has been sought in these petitions, we are inclined to direct that all the petitioners herein be subjected to medical examination, if not already subjected to, by the appropriate medical authority provided under the District Appropriate Authority, District ART and Surrogacy Board, if it is constituted; or by a medical board as may be nominated by the Chief Medical Health Officer of the District.

12. However, in those cases where, under various directions issued by this Court from time to time, examination has already been undertaken, second round of examination would not be necessary.

13. If medical examination, so ordered reveals that the petitioners are physically, emotionally and mentally fit, the benefit shall be made available, as provided under the law.”

3. This writ petition is disposed of in line with the above directions issued by the First Bench of this Court . No costs. Consequently, connected miscellaneous petition is closed.



11-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SRN



To

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P.T.ASHA J.

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