



W.P.(MD) No.2784 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2026

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.2784 of 2026

R.Sundar

... Petitioner

Vs

- 1.State of Tamil Nadu,
Represented by its Secretary,
Department of Health and Family Welfare,
Secretariat, Fort St.George,
Chennai-600 009.
- 2.The Director / Superintendent,
Government Maternity and Gynaecology Institute,
Government Mother and Child Welfare Hospital,
Egmore, Chennai-600 008.
- 3.The Director,
Directorate of Medical and Rural Health Services,
No.359, DMS Complex, 361, Anna Salai,
Chennai.
- 4.The Joint Director of Health Services,
District Medical Board,
No.359, DMS Complex,
361, Anna Salai,
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 18.12.2025 and direct the second respondent to promptly commence the In-Vitro Fertilization



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(IVF) treatment for the petitioner and his wife, Meena, as recommended by the medical authorities.

For Petitioner : Mr.S.Gurumoorthy

For R-1 to R-4 : Mr.A.Oliraja,
Government Advocate

ORDER

This writ petition has been filed seeking a direction to the respondents to consider the petitioner's representation dated 18.12.2025 and to direct the second respondent to promptly commence In-Vitro Fertilization (IVF) treatment for the petitioner and his wife, Meena, as recommended by the medical authorities.

2. The learned counsel appearing for the petitioner submitted that the petitioner has no children and, therefore, approached the second respondent hospital for fertility treatment. It is submitted that under the provisions of the Assisted Reproductive Technology (Regulation) Act, 2021, the prescribed age limit is 55 years for the husband and 50 years for the wife. Since the petitioner and his wife satisfy the eligibility criteria, the petitioner made a representation dated 18.12.2025 to the respondents seeking IVF treatment. However, the said representation has not been considered till date, necessitating the filing of the present writ petition.



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3. The learned Government Advocate appearing for the respondents submitted that a large number of candidates have approached the second respondent Institute for IVF treatment and, therefore, the respondents are not in a position to accommodate the petitioner immediately.

4. Considering the submissions made on either side, it is seen that Government hospitals are intended to provide free medical treatment to economically weaker sections of society. When a large number of patients approach such hospitals and the facilities are limited, some delay may be inevitable. However, the issue of infertility, particularly in cases where couples do not have even a single child, requires sensitive and timely consideration. Failure to adequately address such issues would have serious social consequences in the long run.

5. Taking into consideration the above aspects, this Court is of the view that eligible patients approaching Government hospitals for IVF treatment should be provided treatment at the earliest point of time, without undue delay. Merely on the ground of administrative constraints, eligible patients cannot be indefinitely denied access to such treatment.



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6. Accordingly, this Court directs the respondents to dispose of the petitioner's representation dated 18.12.2025 within a period of three weeks from the date of receipt of a copy of this order in accordance with law and to commence IVF treatment for the petitioner and his wife forthwith, if they are found eligible.

7. With the above direction, this writ petition stands disposed of.

No costs.

04.02.2026

Index : Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

TSG

To

The Secretary, State of Tamil Nadu,
Department of Health and Family Welfare,
Secretariat, Fort St.George,
Chennai-600 009.

2.The Director / Superintendent,
Government Maternity and Gynaecology Institute,
Government Mother and Child Welfare Hospital,
Egmore, Chennai-600 008.

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4. The Joint Director of Health Services,
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KRISHNAN RAMASAMY, J.

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