

Court No. - 40

Case :- WRIT - C No. - 22016 of 2023

Petitioner :- Ms X

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Raghav Arora

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. In response of the earlier order dated 10.7.2023, the matter was taken up today at 3.00 PM and Sri Shashank Shekhar Singh, learned counsel for respondent no.6 has placed on record the report of the Medical Board for termination of pregnancy of the petitioner beyond 24 weeks in sealed cover, which was opened in presence of counsel for the petitioner. After perusal of the said report it was found that it has not been submitted on Form-D of the Medical Termination of Pregnancy Rules, 2003. Consequently, the hearing of the matter was adjourned and the same was directed to be taken up today at 4:00 PM and the respondent no.6 was directed to submit the medical report alongwith Form-D of the Rules 2003 through fax or through email or WhatsApp for further hearing today at 4.00 PM.

2. In compliance of the aforesaid order, the matter was again taken up today at 4.00 PM and Sri Shashank Shekhar Singh, learned counsel for the University has submitted the Medical Report on Form-D, which is taken on record. The opinion of the Medical Board is reproduced herein below:-

“6. Opinion by Medical Board for termination of pregnancy:

(a) Allowed-Yes

(b) Denied

Justification for the decision:

Continuation of pregnancy poses a greater risk to her physical and mental health due to her tender age of 12 years.

Termination of pregnancy has its own risks like operative interference (hysterotomy), bleeding, sepsis, post-traumatic stress disorder etc.

7. Physical fitness of the woman for the termination of pregnancy:

a. Yes.

1. Special consideration of correction of anaemia by blood transfusion.

2. High risk consent for surgical intervention as well anaesthesia.

3. No.”

3. A copy of the said report is also handed over to learned counsel

for the petitioner to get permission from the mother of the petitioner and he makes a statement at the bar that the mother of the petitioner gives consent for termination of pregnancy of the petitioner.

4. We have occasion to peruse the report of the Medical Board of the Medical College along with opinion of a panel of seven doctors and find that the panel of seven doctors have opined that continuation of pregnancy poses a greater risk to her physical and mental health due to her tender age of 12 years. The termination of pregnancy has its own risk like operative interference (hystrotomy), bleeding, sepsis, post traumatic stress disorder etc. and hence, it is feasible to abort the foetus.

5. Considering the facts and circumstances and the medical report, it would be "just, legal and appropriate" to order termination of pregnancy of the petitioner after considering the medical evidence on record.

6. Accordingly, we allow the victim to undergo medical termination of her 25 weeks pregnancy at the earliest with due care and precautions. The District Magistrate, Bulandshahar is directed to ensure that the petitioner alongwith her mother may report to Jawahar Lal Medical College, Aligarh tomorrow i.e. **13.07.2023 at 10 AM**. We also direct the Principal of the Medical College to ensure the termination of pregnancy of the petitioner and the said exercise is to be carried out in presence of Head of Department of Obs & Gynae of the Medical College. We further direct to the Principal of the Medical College to provide adequate post operational medical facilities to the victim free of cost and submit a report within three days so that the Court may proceed further in the matter.

7. List this matter again on 17.07.2023 in top of the list for further orders alongwith further medical report of the petitioner on the next date.

8. Let a copy of the order be given to learned counsel for the parties **today** free of cost.

Order Date :- 12.7.2023

RKP