

AD-10
Ct No.09
21.08.2023
TN

WPA No. 19822 of 2023

Sri X
Vs.
The State of West Bengal and others

Mr. Pratik Dhar,
Mr. Chittapriya Ghosh,
Ms. Priyanka Saha

.... for the petitioner

Mr. Sk. Md. Galib,
Ms. Tanwishree Mukherje

.... for the State

A report is filed today by the respondent nos. 7 and 8 which contains the opinion of the Medical Board dated August 18, 2023.

The crux of the said report is that considering the circumstances and the physical and mental conditions of the patient, the Board Members have arrived at a decision that pregnancy should be terminated, but for the safety of the patient and to mitigate any complication, it should preferably be done at a higher centre than the Tamralipto Govt Medical College & Hospital, which is a facility in the District of Purba Medinipur, where the survivor is now located.

In view of such opinion of the Board, a query is made by the court to the respondent nos. 7 and 8,

through counsel, as to which would be a suitable Hospital having the requisite facilities to carry out such medical termination of pregnancy for the minor. Learned counsel for the respondent nos. 7 and 8, upon taking instruction, submits that the SSKM Hospital in Kolkata would be a suitable Hospital for carrying out such procedure.

Heard learned counsel for the parties.

Since an extremely fair stand has been taken by the respondent nos. 7 and 8, the respondent nos. 7 and 8 are directed to ensure that the survivor, whose pregnancy is to be terminated medically, is brought to the SSKM Hospital at Kolkata, taking due care that the said survivor is attended to medically during such transit.

A team of Doctors shall carry out the procedure of medical termination of such pregnancy of the survivor at the earliest at the SSKM Hospital, taking due care of all formalities as envisaged in law on such aspect of the matter, irrespective of the fact that the statutory period of 24 weeks of pregnancy has been exceeded.

The respondent no. 3 is also directed to ensure that the above order is duly carried out at the earliest.

This court would be failing in its duty unless it is recorded that extreme cooperation and goodwill has

been received from all quarters, including learned counsel for both sides as well as the Calcutta Legal Services Authority and the concerned Doctors and all institutions involved in seeking to ensure that the minor survivor gets appropriate medical care and attention.

Wishing the best to the minor child, WPA No. 19822 of 2023 is disposed of in terms of the above observations.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)