IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7245 OF 2026

ABC .. Petitioner

Versus

State of Maharashtra through the Principal Secretary and ors .. Respondents

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Mr. Anand Mishra with Mr.Sushil Upadhyay and Siddharth Singh for the petitioner.
Smt.M.P. Thakur, Addl. Government Pleader for the State.

CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ
DATED : 17th JUNE, 2026.

ORAL JUDGMENT:- (Per Bharati Dangre, J)

1. On the petitioner, aged 19 years being referred to Medical Board of Grant Government Medical College and J.J. Group of Hospitals, Mumbai for verifying the status of her pregnancy, as she has approached this Court seeking its termination, Mrs.Thakur, the Government Advocate has placed before us the report of the Committee constituted for the said purpose.

The Committee has expressed its opinion as below :-

> "Obstetrics Ultrasonography Suggestive of Single Live intrauterine gestation of mean gestational age 26 weeks and 6 days (+/- 2 weeks) with Cephalic Presentation Fundo Posterior Placenta Estimated Fetal Weight- 965 ± 143gms gm with normal Amniotic Fluid Index.

> The patient and her mother have been thoroughly counselled. They have expressed a strong desire for termination of pregnancy at this stage. As the pregnancy is beyond 24 weeks and the fetus is not anomalous, this Medical Board is not empowered to grant the permission for termination of pregnancy under the existing legal provisions.
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> However, if so directed by the Hon'ble Court, termination may be considered in the interest of the patient's psychological health and to prevent grave, irreparable harm to her mental well-being if she is compelled to continue the pregnancy against her wishes. As fetus has crossed more than 24 weeks of gestation, fetus may be live-born and relatives have been counselled that fetus may require Neonatal Intensive Care Unit support and still prognosis may be poor. Medical termination of pregnancy can be permitted with due risk. The risk has been explained to the patient and her relatives and they have accepted the same."

In addition, the Associate Professor of each of the Department has also furnished separate opinion.

The report of the Board/Committee placed before is us marked as 'X' for identification.

2. On examining the petitioner, an unmarried woman, aged 19 years, in pursuance of our order, a detailed medical examination was carried out. We are informed that the fetus is 26.6 weeks as per the scan done on 16/6/2026 and the expected due date by ultra sonography is set out as 15/9/2026.

The report record that the patient and her mother are strongly desirous of termination of pregnancy, which at this stage, is 26 weeks, 6 days.

Commenting upon the health of the mother, the report state that if the termination is allowed at this stage, it will

entail a very small theoretical risk to the life of the mother. However, as regards the fetus, it is stated that if the pregnancy is terminated now, the fetus would have a probability of being born alive and may require Intensive Neonatal Care and it may also be affected by the complications of its preterm status.

Thus, the opinion expressed clearly leave it to the discretion of the Court to permit the termination of pregnancy which is now above 24 weeks and the fetus is not anomalous and therefore, it is opined that it is beyond the scope of the Board to allow termination of the pregnancy.

3. From reading of the report, one thing is evidently clear to us i.e. if the pregnancy is terminated at this stage, it will not pose any threat to the life of the mother. We have also noted that the fetus is not anomalous and therefore, the Board cannot grant permission for terminating the pregnancy.

Balancing the two circumstances, we must note that the petitioner is a 19 year old, unmarried female and she has clearly expressed before us through the petition that the pregnancy is unwanted and since she is desirous of continuing with her educational pursuit, and even apprehensive that if she give birth to the child, she will be stigmatized in the Society. She has specifically pleaded before us for termination of the pregnancy, which according to her, will seriously jeopardise her education, future career prospects, social standing and overall well being and continuation of the pregnancy would compel her to discontinue or substantially interrupt her studies.

4. The right of a woman to exercise her right to discontinue the pregnancy, has received recognition on more than one occasion by the Constitutional Courts, as in every such case, the Court has emphasized on the reproductive autonomy, and bodily integrity as a part of Article 21 of the Constitution of India.

In **Mother of "X" vs. State of Maharashtra**,[1] the Apex Court dealt with the 14 year old who sought termination of pregnancy of about 29 weeks and noting that the continuation of pregnancy would cause serious physical and psychological consequences and its deleterious effect over the health and mind of a young girl, justified the termination of the pregnancy, though beyond 24 weeks.

It is highlighted that the Medical Board must evaluate the mother's mental and physical health rather than relying upon the gestational age which are not conclusive and if continuation of the pregnancy prejudice the physical or mental health of the mother, then the Courts have always leaned in favour of terminating the same.

5. In the report placed before us, as per the Department of Psychiatry, it is opined that the patient feels that she is not in a position to take care of the baby emotionally, financially and socially.

As far as the health of the mother is concerned, she is informed to be stable, but has expressed a strong desire even before the Committee to terminate the pregnancy.

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Being an unmarried female, we deem it appropriate to respect her decision and particularly, in the background which is pleaded before us in the petition and which was set out before the Medical Board before she was examined.

Since according to the petitioner, the pregnancy was unwanted, we are of the view that it will have a serious impact on the mental health, career and overall well being of the petitioner. The risk involved if the pregnancy is permitted to be terminated or if the pregnancy is permitted to continue and if she is made to deliver now or at a term, the report has indicated that the risk for the mother is same.

The patient and relatives when counseled regarding the same, insisted on termination of pregnancy at this instant stage with the fetus approximately having gestational age of 26 weeks plus 6 days.

As per the opinion expressed by the Department of Pediatrics, if the pregnancy is now terminated, the fetus has a probability to be born alive and requiring NICU care and in such circumstances, when we find that the petitioner is not in a mental state to accept the child and give birth, the best course available in our opinion, despite the petitioner having crossing the period prescribed under the The Medical Termination Of Pregnancy Act, 1971, by over a period of two weeks,we are of the view that the J.J. Hospital which has examined the petitioner shall endeavour to terminate the pregnancy and we permit it to be terminated.

6. We are informed that the petitioner is presently in J.J. Hospital, we permit the necessary procedure to commence for termination of the pregnancy as early as possible.

7. In any case, the petitioner who is major along with her relatives, is informed of the risk and consequences and we see no difficulty in the team of Medical Doctors proceeding with the process of termination of pregnancy as desired by her, as she has made a choice.

8. Petition is made absolute in above terms.

The order shall be communicated to the Dean of Sir J.J. Hospital by the Government Advocate Mrs. Thakur.

(MANJUSHA DESHPANDE, J) (BHARATI DANGRE, J.)