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FORM III A
IN THE HIGH COURT OF KARNATAKA, BENGALURU

F.R.NO.50824 /2019 (WRIT PETITION) (GM-RES)

(Notice under Rule 13 (a) Proviso)

PETITIONER

1. NAUSHEEN BANO W/O THOUSIF
18/1, LAL MASJID, B STREET,
SHIVAJINAGAR, BENGALURU-560051.

BY SRI ROHAN KOTHARI
VS

RESPONDENTS

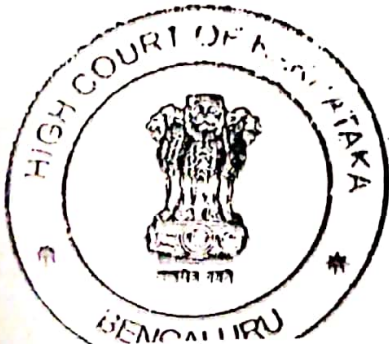
1. STATE OF KARNATAKA
VIDHANA SOUDHA, BENGALURU-560001
REPRESENTED BY ITS CHIEF SECRETARY
2. MANIPAL HOSPITAL
98, HAL AIRPORT ROAD, BENGALURU-560017
REPRESENTED BY THE MEDICAL SUPERINTENDENT
3. BANGALORE MEDICAL COLLEGE AND RESEARCH INSTITUTE
FORT, K.R.ROAD, BENGALURU-560002
REPRESENTED BY ITS DIRECTOR CUM DEAN

Whereas, a Writ Petition filed by the above named petitioner under Article 226 of the Constitution of India, as in the copy annexed hereunto, has been registered by this court.

Emergent Notice is hereby given to you to appear in this court in person or through an Advocate duly instructed or through some one authorised by law to act for you in this case, at 10.30 A.M. in the forenoon on the 30/10/2019, to show cause why rule nisi should not be issued.

If you fail so to appear on the said date or any subsequent date to which the matter may be posted as directed by the court, without any further notice, the petition will be dealt with, heard and decided on the merits in your absence.

Contd..2/-..



INTERIM ORDER

Pending issue of Rule nisi in the aforesaid Writ Petition it is hereby ordered by this Court on

SUNDAY THE 27TH DAY OF OCTOBER 2019

BY HON'BLE MR. JUSTICE B.VEERAPPA

as follows :-

XEROX COPY OF THE ENTIRE ORDER DATED 27/10/2019 IS ENCLOSED HEREWITH SEPARATELY.

Contd. /-

RA-271019.8



BVJ:

27.10.2019

FR No.50824/2019 (WRIT PETITION)

ORDER

Sri R. Subramanya, the learned Additional Advocate General is directed to take notice for respondent Nos. 1 and 3.

Issue emergent notice to respondent No.2. Petitioner is also permitted to take out hand summons to respondent No.2.

The petitioner, who is 24 years old woman, is before this Court for permission of this Court to terminate her pregnancy, which is beyond 20 weeks and presently 30 weeks pregnant and a writ of mandamus directing respondent No.2 - Manipal Hospital Bangalore to admit her and take necessary medical steps to terminate her pregnancy mainly on the ground that the Bangalore Fetal Medicine Centre by its scan report dated 11th October, 2019 has opined that "there is double bubble appearance of stomach, likely suggestive of Duodenal atresia. In addition there is linear insertion

[Signature]

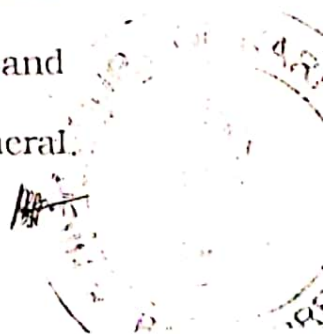


Date: 27/10/19

Advocate for Petitioner

of Atrio - Ventricular valves with discrepancy in heart chambers suggestive of partial unbalanced AVSD. There is single echogenic intracardiac focus (EIF) in the left ventricle". Thereafter the petitioner went to 'MEDGENOME' - Centre for Genetic Health Care, for second opinion, where the three doctors consisting Ms. Vishalakshi Kamath and Dr. Shailesh Kumavat, who are Cytogenicists and Dr. Hema Purandarey, Founder Director - Centre for Genetic Health Care, have opined on 24.10.2019 that the 'Analysis revealed presence of three orange signals representing three copies of chromosome 21 suggesting aneuploidy for chromosome 21. There is no aneuploidy of chromosome 13, 18 and sex chromosomes. The Findings are thus consistent with Trisomy - 21 (Down Syndrome)'. Therefore, the petitioner is before this Court for the relief as sought for.

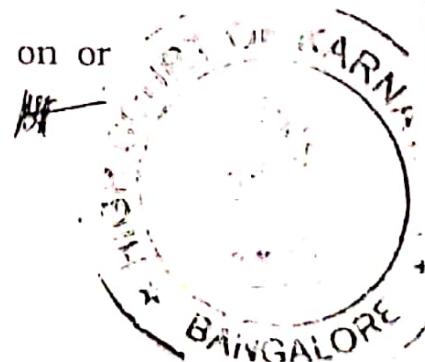
Having heard Smt. Jayna Kothari, learned Senior Counsel, appearing for the petitioner and Sri R.Subramanya, learned Additional Advocate General,



for respondent Nos. 1 and 3, this Court is of the considered opinion, that the report from the Medical Board is necessary to consider the case of the petitioner in view of the provisions of Sections 3, 4 and 5 of the Medical Termination of Pregnancy Act, 1971.

In view of the above, respondent No.3 – Bangalore Medical College and Research Institute is directed to constitute a Medical Board consisting of Specialists, who are handling the cases of termination of pregnancy, so as to examine the petitioner and submit a report in a sealed cover before this Court.

The petitioner is directed to appear before the 3rd respondent on 28.10.2019 (tomorrow) at 10.30 a.m. and the Medical Board taking into consideration the peculiar facts and circumstances of the present case, as the length of the pregnancy of present petitioner is exceeding 30 weeks, shall take immediate action and submit a report in a sealed cover to this Court on or before 30.10.2019.



Let a copy of this order be furnished to the learned Counsel for the petitioner and the learned Additional Advocate General.

The Registry is directed to send a copy of this order to the 3rd respondent - Bangalore Medical College and Research Institute, Bengaluru forthwith for taking appropriate steps stated supra.

List the matter on 30.10.2019.

**Bd/-
JUDGE**

COPY

copy
27/10

**Assistant Registrar
High Court of Karnataka
Bangalore - 560 001**

sc. k. 27/10/19

