



2026:KER:46142

**WP(C) NO. 20324 OF 2026**

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON

WEDNESDAY, THE 24<sup>TH</sup> DAY OF JUNE 2026 / 3RD ASHADHA, 1948

WP(C) NO. 20324 OF 2026

PETITIONERS:

- 1 RESHMA RANJAN, AGED 29 YEARS, C/O. NIDHEESH M A,  
RESIDING AT 'MAKKANNIPOKKAM HOUSE', KARUMALLOOR,  
PARAVUR, ERNAKULAM, PIN - 683 511
- 2 NIDHEESH M.A, AGED 37 YEARS, SON OF ASOKAN, RESIDING  
AT 'MAKKANNIPOKKAM HOUSE', KARUMALLOOR, PARAVUR,  
ERNAKULAM, PIN - 683 511

BY ADV SHRI. AKASH S.

RESPONDENTS:

- 1 UNION OF INDIA, REPRESENTED BY ITS SECRETARY,  
MINISTRY OF WOMEN AND CHILD DEVELOPMENT, SASTHRI  
BHAVAN, NEW DELHI, PIN - 110 001
- 2 STATE OF KERALA, REPRESENTED BY ITS SECRETARY TO  
GOVERNMENT, MINISTRY OF CHILD WELFARE, GOVERNMENT  
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001
- 3 THE DIRECTOR OF HEALTH SERVICES, GENERAL HOSPITAL  
JUNCTION, THIRUVANANTHAPURAM, PIN - 695 035
- 4 THE DISTRICT REPRODUCTIVE & CHILD HEALTH ("RCH")  
OFFICER, DISTRICT MEDICAL OFFICE, ERNAKULAM, PARK  
AVENUE, MARINE DRIVE, ERNAKULAM, PIN - 682 011
- 5 THE SUPERINTENDENT, THE GOVERNMENT MEDICAL COLLEGE  
AND HOSPITAL, HMT COLONY, KALAMASSERY, ERNAKULAM,  
PIN - 683 503



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6                    AMRITA INSTITUTE OF MEDICAL SCIENCES AND RESEARCH,  
                      REPRESENTED BY ITS MANAGING DIRECTOR, PONEKKARA,  
                      ERNAKULAM, PIN - 682 041

BY ADV SHRI.ACHUTH KRISHNAN R., CGC

SMT. POOJA SURENDRAN, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
24.06.2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



## **J U D G M E N T**

Heard Sri. Akash S, the learned counsel for the petitioners, as well as Smt. Pooja Surendran, the learned Government Pleader.

2. The petitioners are stated to be husband and wife. They submit that they are already parents to a three-and-a-half-year-old child. The first petitioner (wife) became pregnant, and during a periodic scan, it was detected that the fetus had brain-related complications. The petitioners contend that, if the fetus is allowed to be born, the child may suffer from intellectual impairment, developmental delays, and other related complications. The pregnancy is currently at an advanced stage of 34 weeks. It is in such circumstances, the petitioners have filed the captioned writ petition seeking the following prayers:

- "a. Issue a writ of mandamus or any other appropriate writ, direction or order directing the respondents to allow the 1<sup>st</sup> petitioner to undergo medical termination of her pregnancy, at the hospital of her choice, using all permissible scientific methods, in accordance with the Ext. P7 Guidance Note for Medical Boards for Termination of



Pregnancy beyond 20 weeks of gestation and other applicable law;

- b. Issue a writ of mandamus or any other appropriate writ, direction or order directing the Respondents 3 to 5 to take immediate steps to examine the 1<sup>st</sup> petitioner and to permit her to undergo Medical Termination of Pregnancy at the earliest.”

3. By an order dated 15.06.2026, this Court directed the constitution of a Medical Board. The petitioner was directed to appear before the Board on 17.06.2026. The Medical Board has submitted its report dated 17.06.2026, which has been produced by the learned Government Pleader along with a memo. The said memo records the following final opinion:

- “1) There is no apparent risk to life of the pregnant woman and her physical health due to continuation of pregnancy. There is nothing to suggest that Smt. Reshma Ranjan is having any severe mental health issues at present.
- 2) Clinical manifestations of proximal 3q micro deletion syndrome with thinning of corpus callosum, ventriculomegaly and cortical malformation spectrum, include hypotonia, developmental delay, cyanatic congenital heart disease, peripheral skeletal abnormalities. The severity of clinical manifestations can be completely determined only after the birth of the baby. Complete clinical evaluation, relevant investigations and



regular follow up.

- 3) There are additional risks related to advanced gestational age. preterm induction, previous cesarean and scar rupture.
- 4) The Medical process best suited for termination of pregnancy is by inducing labour with multiple doses of medications. However, since patient had a previous cesarean delivery and increased risk of scar rupture, an elective cesarean delivery is another option. after counselling the couple, there is substantial possibility of the child being born alive with added complications of prematurity.
- 5) Intrauterine feticide may be considered before terminating pregnancy.”

4. This Court specifically notices the observations recorded at Sl. No.2 above, which points out various abnormalities, including developmental delay, hypotonia, congenital heart disease, etc.

5. In light of the above, the Board has also recommended that intrauterine feticide be administered prior to the termination of pregnancy.

6. The Apex Court in **S. v. Union of India [2026 KHC OnLine 7224]** has categorically found that no lady is to be pressurised for continuing with the pregnancy.



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7. In the light of the observations of the Medical Board noticed as above, I am of the opinion that the petitioners are justified in seeking Medical Termination of Pregnancy.

Hence, this writ petition would stand ordered as under:

- i) The 6<sup>th</sup> respondent – Hospital is directed to carry out Medical Termination of Pregnancy as suggested by the Medical Board in their report referred to above.
- ii) The 6<sup>th</sup> respondent should also take note of the 5<sup>th</sup> opinion of the Medical Board recorded as above while carrying out the Medical Termination of Pregnancy as directed above.

This writ petition is disposed of as above.

**Sd/-**  
**HARISANKAR V. MENON**  
**JUDGE**

**PR**



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APPENDIX OF WP(C) NO. 20324 OF 2026

PETITIONER EXHIBITS

Exhibit P1 A TRUE COPY OF THE AADHAAR CARD BEARING NO. 5396 5025 4218 OF THE 1ST PETITIONER

Exhibit P2 A TRUE COPY OF THE AADHAAR CARD BEARING NO. 7487 1089 0540 OF THE 2ND PETITIONER

Exhibit P3 A TRUE COPY OF THE 2/3 TRIMESTER OBSTETRIC ULTRASOUND SCAN REPORT CONDUCTED ON THE 1ST PETITIONER, DATED 25.03.2026, CONDUCTED AT 6TH RESPONDENT HOSPITAL

Exhibit P4 A TRUE COPY OF THE 2/3 TRIMESTER OBSTETRIC ULTRASOUND SCAN REPORT CONDUCTED ON THE 1ST PETITIONER, DATED 20.05.2026, CONDUCTED AT 6TH RESPONDENT HOSPITAL

Exhibit P5 A TRUE COPY OF THE MRI SCAN OF THE FETAL BRAIN, DATED 23.05.2026, CONDUCTED AT THE 6TH RESPONDENT HOSPITAL

Exhibit P6 A TRUE COPY OF THE GENETIC REPORTS ISSUED BY MEDGENOME LABS LTD., BENGALURU, DATED 08.06.2026

Exhibit P7 A TRUE COPY OF THE GUIDANCE NOTE FOR MEDICAL BOARDS FOR TERMINATION OF PREGNANCY BEYOND 20 WEEKS OF GESTATION (IN CASES REFERRED BY COURTS), ENCLOSED WITH LETTER DATED 06.08.2018, BEARING NUMBER D.O. NO. M.12015/58/2017-MCH, ISSUED BY THE JOINT SECRETARY TO THE MINISTRY OF HEALTH AND FAMILY WELFARE