

**IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR.JUSTICE DEVAN RAMACHANDRAN**

**Monday, the 11<sup>th</sup> day of March 2024 / 21st Phalguna, 1945  
WP(C).NO. 9016 OF 2024(B)**

**PETITIONER:**

**GWARE MARGRET SEBINA, AGED 32 YEARS, D/O EZIEQUELE GWARO, GUCHA  
DISTRICT, KENYA NOW AT WOMEN'S JAIL AND CORRECTION HOME, VIYYUR, PIN  
- 680010**

**RESPONDENTS:**

- 1. UNION OF INDIA, REPRESENTED BY MINISTRY OF WOMEN AND CHILD  
DEVELOPMENT, SASTHI BHAVAN, NEW DELHI, PIN - 110 001**
- 2. STATE OF KERALA, REPRESENTED BY GOVERNMENT PLEADER, HIGH COURT OF  
KERALA, PIN - 682031**
- 3. THE DIRECTOR OF HEALTH SERVICES, GENERAL HOSPITAL JN,  
THIRUVANANTHAPURAM, PIN - 695 001**
- 4. DEPUTY INSPECTOR GENERAL OF PRISONS (CENTRAL ZONE) OFFICE OF THE DIG  
CENTRAL ZONE – PRISONS, RAMAVARMAPURAM, THRISSUR, KERALA, PIN - 680  
010**
- 5. THE SUPERINTENDENT OF JAIL VIYYUR WOMEN'S JAIL AND CORRECTION HOME,  
VIYYUR, THRISSUR, PIN- 680 010**
- 6. THE SUPERINTENDENT MEDICAL COLLEGE HOSPITAL, MULANKUNNATHUKAVU,  
THRISSUR, PIN - 680 581**

**Writ petition (civil) praying inter alia that in the circumstances  
stated in the affidavit filed along with the WP(C) the High Court be  
pleased to directing the respondent Nos. 3 to 6 to take immediate steps to  
examine the petitioner and to permit her to undergo Medical Termination of  
Pregnancy at the earliest.**

**This petition coming on for admission upon perusing the petition and  
the affidavit filed in support of WP(C) and upon hearing the arguments of  
M/S.ANEESH K.R, SAURAV B. & LIA GEORGE Advocates for the petitioner,  
DEPUTY SOLICITOR GENERAL OF INDIA for R1 and of GOVERNMENT PLEADER for R2  
to R6, the court passed the following:**

DEVAN RAMACHANDRAN, J.

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WP (C) No. 9016 of 2024  
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Dated this the 11<sup>th</sup> day of March, 2024

**ORDER**

The learned Government Pleader submits that, since the petitioner is not an Indian, there are no protocols for the evaluation of her claim as made in this writ petition. He, however, submitted that, if this Court is so inclined, she can be assessed by a competent Medical Board, attached to the Medical College Hospital, Thrissur, the Superintendent of which is the 6<sup>th</sup> respondent.

2. Pending consideration whether the petitioner's request in this writ petition can be granted, I deem it necessary that she be evaluated by a competent Medical Board to be constituted at the Medical College Hospital, Thrissur.

3. Resultantly, I direct the 6<sup>th</sup> respondent, to constitute a Medical Board; with a consequential direction to the 5<sup>th</sup> respondent to present the petitioner before it at 11 a.m. on 14.03.2024.

4. The report of the Medical Board shall be made available to this Court by the next posting date.

List for further consideration on 15.03.2024.



Sd/-

DEVAN RAMACHANDRAN

JUDGE

H/o  
akv