

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 16896 OF 2025

Mrs.Esther Vinit Vairagar

... Petitioner

VS.

The State of Maharashtra & Ors.

... Respondents

...

Mr.Rahul Kadam with Mr.Vedant Babar for the Petitioner.

Mr.Kedar B. Dighe, Addl.GP with Ms.P.N.Diwan, AGP for the Respondent
-State.

...

**CORAM : RAVINDRA V. GHUGE &
ABHAY J. MANTRI, JJ.**

DATE : 11 MARCH, 2026

P.C:

1. Heard the learned Advocate for the Petitioner at length.
2. The Petitioner was earlier working with Respondent No. 2 Institution and was absorbed on being declared surplus, into Respondent No. 5 School. As of now, she does not have the exact details as to whether vacancies have now occurred in the Institution operated by Respondent No. 2. The Petitioner desires to go back to the erstwhile organization. Repatriation is permissible only if vacancies are created, allowing surplus teachers who have been absorbed elsewhere, to opt to return to their parent institution.

3. In view of the above, **this Writ Petition is disposed off** with a direction to Respondent No. 4 to carry out an exercise to assess whether Respondent No. 2 and its institutions have any vacancies that have newly occurred on account of the creation of posts, retirement, attrition, or demise of an employee, and whether the Petitioner can be absorbed in any such vacancy. Respondent No. 4 shall direct the Institution to furnish such details and thereafter initiate appropriate action.

4. Needless to state, if the management is not cooperating and does not respond to the direction of Respondent No. 4, we grant liberty to Respondent No. 4 to initiate appropriate action against the management.

(ABHAY J.MANTRI, J.)

(RAVINDRA V. GHUGE, J.)