

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2127 OF 2025

Mohammed Hanif Nurani ...Petitioner
Versus
Union Of India Through Secretary And Ors. ...Respondents

AND
WRIT PETITION NO. 2130 OF 2025

Manish Gulabchand Birawat ...Petitioner
Versus
Union Of India Through The Secretary And Ors. ...Respondents

Dr.Sujay Kantawala with Aishwarya Kantawala, Jeffry Caleb, Ayushi Jha, for
Petitioners.
Ms. Neeta Masurkar with Suman Kumar Das, for Respondents.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 5 FEBRUARY 2026

P.C.

1. These petitions under Article 226 of the Constitution of India are filed
praying for the following substantive reliefs:

Writ Petition No. 2127 of 2025

a) that this Hon'ble Court may be pleased to declare that the impugned actions on
the part of the Respondent No.2 in not considering the request for cross-
examination and not following the Pre-notice Consultation Regulation, 2018,
hence, the impugned Show Cause Notice dated 03.05.2024, Exhibit "A", deserves
to be quashed and/or set aside;

b) That this Hon'ble Court may be pleased to issue a Writ of Certiorari or a Writ in
the nature of Certiorari or any other appropriate writ, order or direction calling for
the record and proceedings in the Petitioner's case and all other records pertaining
thereof and after considering the validity, legality and propriety thereof, be pleased
to quash and/or set aside the impugned Show Cause Notice dated 03.05.2024,
Exhibit "A";

b1. To quash and / or set aside the impugned decision / order dated 18.02.2025
passed by Respondent No.2 annexed as Exhibit "R" to the Petition.

- c) That this Hon'ble Court may be pleased to issue a Writ of Mandamus or a Writ in the nature of Mandamus or any other appropriate writ, order or direction ordering:
- i. to quash and/or set aside the impugned Show Cause Notice dated 03.05.2024 passed by the Respondent No.2, Exhibit "A" to the Petition;
 - ii. to stay the further continuance of the Adjudication Proceedings pending before the Respondent No.2, in respect of Show Cause Notice dated 03.05.2024, Exhibit "A" to the Petition.
 - iii. In the alternative and without prejudice to the above, the Respondent No. 2 be ordered and directed to pass a separate Speaking Order, restricted to the preliminary issues raised in the written submissions as well as the Record of Personal Hearing dated 24.12.2024 Exhibit "N".

Writ Petition No. 2130 of 2025

(a) that this Hon'ble Court may be pleased to declare that the impugned actions on the part of the Respondent No.2 in not considering the request for cross-examination and not following the Pre-notice Consultation Regulation, 2018, hence, the impugned Show Cause Notice dated 03.05.2024, Exhibit "A". deserves to be quashed and/or set aside;

b) That this Hon'ble Court be pleased to issue a Writ of Certiorari or a Writ in the nature of Certiorari or any other appropriate writ, order or direction calling for the record and proceedings in the Petitioner's case and all other records pertaining thereof and after considering the validity, legality and propriety thereof, be pleased to quash and/or set aside the impugned Show Cause Notice dated 03.05.2024, Exhibit "A";

b1) To quash and/or set aside the impugned decision / order dated 18.02.2025 passed by Respondent No.2 annexed as Exhibit "J" to the Petition.

c) That this Hon'ble Court may be pleased to issue a Writ of Mandamus or a Writ in the nature of Mandamus or any other appropriate writ, order or direction ordering:

- i. to quash and/or set aside the impugned Show Cause Notice dated 03.05.2024 passed by the Respondent No.2, Exhibit "A" to the Petition;
- ii. to stay the further continuance of the Adjudication Proceedings pending before the Respondent No.2, in respect of Show Cause Notice dated 03.05.2024, Exhibit "A" to the Petition.
- iii. In the alternative and without prejudice to the above, the Respondent No. 2 be ordered and directed to pass a separate Speaking Order, restricted to the preliminary issues raised in the written submissions as well as the Record of Personal Hearing dated 24.12.2024 Exhibit "E"

2. After these petitions were heard for some time, learned Counsel for the petitioners and fairly so, seeks leave to withdraw these petitions with liberty to raise all the contentions in adjudication of the show cause notice dated 3 May

2024. We find from the record that the hearing in fact has progressed to some extent and thereafter the show cause notice was sent to the call book. Now the proceedings would be required to be recalled and taken up for adjudication. The show cause notices be accordingly adjudicated by the Adjudicating Officer as expeditiously as possible and in any event within 12 weeks from today.

3. The petitions are disposed of as withdrawn, in terms of the aforesaid observations.

4. All contentions of the parties are expressly kept open.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)